

RECEIVED

MAR 29 2004

Public Disclosure Commission

**Certification for a
Complaint to the Washington State Public Disclosure Commission Relating to an
Elected Official or Candidate for Public Office
(Notary Not Required)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: Ian Foraker

Your printed name: IAN FORAKER

Street address: 3113 44TH. AVE. NE.

City, state and zip code: TACOMA WA. 98422

Telephone number: (253) 219-8599

E-Mail Address: (Optional) I.FORAKER@AOL.COM

Date Signed: 3/27/04

Place Signed (City and County): TACOMA PIERCE
City County

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

EXHIBIT ¹

1 of 5

RECEIVED

MAR 29 2004

Public Disclosure Commission

Memorandum

To: Ms. Vickie Rippie, Executive Director WA State Public Disclosure Commission
From: Ian Foraker
Date: April 2, 2004
Re: PDC Complaint against WA BREATHE, American Cancer Society, American Heart Association, Robert Wood Johnson Foundation, Nick Federici-registered lobbyist, Melanie Stewart and Associates-registered lobbying firm, American Asia Pacific Islander Substance Abuse Center, Center for Multi-Cultural Health, Mike Ryherd – a registered lobbyist, Suzie Tracy – a registered lobbyist; Kevin Phelps, Tacoma City Councilman and Chairman of the Pierce County/Tacoma Board of Health

SUMMARY

There is strong evidence to support ascertains that the above named organizations and individuals have committed multiple violations of Washington State Public Disclosure laws. The violations which will be clearly outlined in this memo are of a serious nature and involve sums of monetary transfers and grants for lobbying purposes in excess of \$3 million USD.

Specifically, the above named associations and individuals intentionally and repeatedly violated RCW 42.17.040, 42.17.080, 42.17.090, RCW 42.17.170, RCW 42.17.200 over a two year period by failing to file as a political committee, failing to file timely financial reports, failing to file contributions intended to influence state legislation and failing to report lobbying expenses intended to influence state legislation .

It will also be demonstrated that the above said individuals and organizations cannot claim ignorance of state disclosure laws, as they are experienced lobbyist and lobbying entities who have explicit knowledge of the rules and regulations in question *and are currently doing so for other clients.*

FACTS

- WA BREATHE is a coalition of organizations whose primary purpose is to influence state and local legislation. WA BREATHE is a fully functioning political committee that has produced numerous pieces of literature (including a functioning web site) and legislative proposals designed to influence state law. **(See exhibit A)**
- The organizations who make up WA BREATHE received grants from the Robert Wood Johnson Foundation under the Smokeless states initiative totaling \$3,038,399 from June of 2001 through May 2004. The primary purpose of these grants is for the passage of state legislation as outlined in the Smokeless states initiative. **(See exhibit B)**
- The organizations of WA BREATHE employ registered lobbyists who conduct legislative relations on behalf of WA BREATHE and respective parent organization(s) concurrently, but did not file reports indicting expenditures on behalf of BREATHE. **(See exhibit C)**

EXHIBIT
2 of 5

- WA BREATHE has conducted voter opinion surveys on legislative proposals (February 2003) but did not report these expenditures as lobbying expenses as defined by WA State law. **(See exhibit D)**
- WA BREATHE a held press conference and issued a media release on December 15th 2003 advocating for specific legislative proposals citing support of several lawmakers for the legislation in question. This clearly meets the scrutiny threshold for legislative activism as outlined in RCW 42.17. WA BREATHE was not registered as a political committee at that time. **(See exhibit E)**
- Kevin Phelps has been hosting regular meetings of Washington BREATHE and the Breatheasy Initiative at the Landmark Hotel and Convention Center for the past year and making both in-kind and direct campaign contributions and has failed to report such political contributions.

DEFINITIONS of LAW

RCW 42.17.160

Exempts certain persons and activities from registration and reporting under RCW 42.17.150 and 42.17.170. Persons are exempted who lobby without compensation or other consideration for acting as a lobbyist, provided such persons make no expenditures for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying.

RCW 42.17.170

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein, and shall include amounts actually expended on each person where calculable, or allocating any portion of the expenditure to individual participants.

c) An itemized listing of each such expenditure, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or

employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17.160(2).

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

(f) A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in RCW 42.52.010(9) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(g) The total expenditures made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020, and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

RCW 42.17.200

Requires persons who make expenditures in the aggregate exceeding \$500 within any one-month period or \$1,000 within any three-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation, to register and report within 30 days of becoming a sponsor of a grassroots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed;

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which reports shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

Dear Legislator:
Please make all workplaces in Washington State smokefree. No one should have to trade their health for their job — all workers deserve the same protection from secondhand smoke as office workers. We all have the right to breathe easy!

Your message here:

Sincerely,

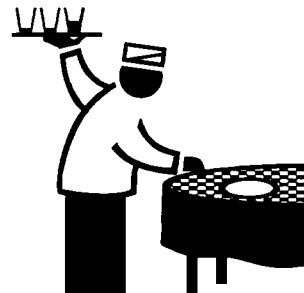
Name: _____

Address: _____

City, State, Zip _____
 (We need your home address in order to identify your legislative district.)

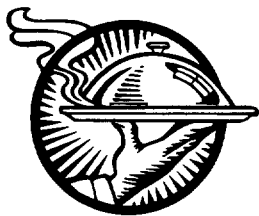
E-Mail: _____

Day Phone: (____) _____ Evening Phone: (____) _____



- ◆ Waitresses are over 3 times more likely to die from lung cancer and 2.5 times as likely to die from heart disease as women in other occupations.
- ◆ An estimated 53,000 nonsmokers die in the U.S. every year due to exposure to secondhand smoke — over 1000 in Washington State alone.
- ◆ Studies of smoke-free restaurant laws from around the country (including CA, CO, NY City and MA) have clearly demonstrated that there is NO negative impact on restaurant sales or employment from these laws. In fact, the impact appears to be at the worst neutral, and even slightly positive.

www.wabreathe.org
206-283-1153
800-729-1151



We're ordering up smokefree indoor air!

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 7106 SEATTLE WA

POSTAGE WILL BE PAID BY ADDRESSEE

WASHINGTON BREATHE
 2120 1ST AVE N
 PO BOX 19140
 SEATTLE WA 98109-9951



NO POSTAGE
 NECESSARY
 IF MAILED
 IN THE
 UNITED STATES



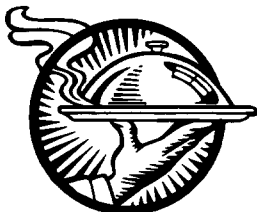
EXHIBIT

1 of 2





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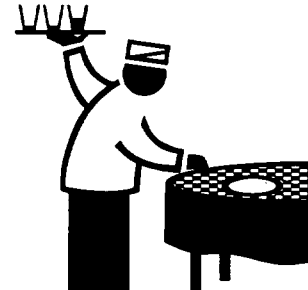
Name: _____

Address: _____

City, State, Zip _____
(We need your home address in order to identify your legislative district.)

E-Mail: _____

Day Phone: (____) _____ Evening Phone: (____) _____



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www.wabreathe.org

206-283-1153

800-729-1151



EXHIBIT ²
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Tips for Town Hall Meetings and District Forums



Legislators hold Town Hall Meetings and District forums to hear what's on your mind. This is your opportunity to tell them why you want all indoor public places in Washington to be smokefree and you expect them to do something about it!

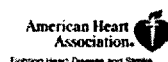
Tips

- 📌 Find a seat near the microphone, if available, so you can get in line early. Many people hesitate and miss the opportunity to be heard because time runs out.
- 📌 Legislators will often mingle after the meeting. This is a great opportunity to introduce yourself and talk about the issue one-on-one. Don't be shy – remember they are there because they want to talk with you.
- 📌 When you ask a question or make your point, be sure to mention you live in the legislator's district.
- 📌 Tell your story and why is it important to **you** that we make all public places smokefree.

Sample Questions:

- 📌 This legislative session, there was a bill (HB 1868/SB 5791) introduced to make all indoor public places smokefree, and was supported by 65% of Washington voters. Can you tell me how you would have voted on this bill and why?
- 📌 What will you do to protect the health of all workers, as well as the 79% of the population that are nonsmokers, by ensuring passage of legislation to make all indoor public places smokefree?
- 📌 Currently only about a third of all service workers and a little more than a quarter of blue collar workers are covered by smokefree policies in their workplaces, compared to over half of all white collar workers. Do you believe only some workers deserve to be protected from harmful working conditions and how do you decide who's health is worth more?
- 📌 It has been demonstrated elsewhere, both at local and state levels, that the economic effects of smoking bans are either positive or do no harm. Don't you think businesses will profit by serving 79% of the population, saving on health care costs, lowering employee sickness and time-loss and competing on a level playing field statewide?

For more information, please contact BREATHE at (206) 674-4185.



Washington BREATHE is a collaborative partnership with the American Cancer Society, American Lung Association of Washington, American Heart Association, Washington Asian Pacific Islander Families Against Substance Abuse and the Center for MultiCultural Health



It's your right to breathe easy!

REMINDER

**Please RSVP by replying to this e-mail or send a message to Brandie Flood at:
brandie.flood@cschc.org**

Hello,

Join tobacco control advocates around the state in an informational and action-packed meeting in the SeaTac area. In this meeting we will present information that will help educate and inform our supporters and the public about what Washington BREATHE is doing to make clean indoor air a reality. This fast-paced meeting will include:

- A Keynote address on Clean Indoor Air issues by Sen. McAuliffe and Rep. McDermott
- A Review of the 2003 Legislative Session on Clean Indoor Air issues
- Information on Attitudes and Opinions on Secondhand Smoke
- Working together to create a Smokefree Washington

When:

10:00 AM - 3:00 PM

Thursday, September 11, 2003

Where:

DoubleTree Hotel SeaTac

18740 Pacific Hwy S

SeaTac

Who should come: Anyone interested in understanding, carrying and delivering the message that the time for clean indoor air is now! The time to protect all workers is now! And the time to protect the health of ALL of Washington is now!

The morning/lunch meeting will be followed by a strategy session in which participants will work together in regional areas to create an action plan for motivating decision makers to endorse clean indoor air laws.

**Please RSVP by replying to this e-mail or send a message to Brandie Flood at:
brandie.flood@cschc.org**

EXHIBIT

1 of 2

4

Visit the web address below to tell your friends about this.

[http://lungaction.org/smokefree_washington/join-forward.html?
domain=smokefree_washington&r=T7111111ncFv](http://lungaction.org/smokefree_washington/join-forward.html?domain=smokefree_washington&r=T7111111ncFv)

If you received this message from a friend, you can sign up for Washington BREATHE Alliance Center at <http://lungaction.org/ct/Ed111111luJ-/>

This message was sent to **[email]**. Visit your [subscription management page](#) to modify your email communication preferences or update your personal profile. Click [here](#) (or reply via email with "remove" in the subject line) to remove yourself from ALL email lists maintained by Washington BREATHE Alliance.



EXHIBIT 4
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TO: Washington Breathe Alliance

FROM: Lisa Grove and Ben Patinkin
Grove Insight, Ltd.

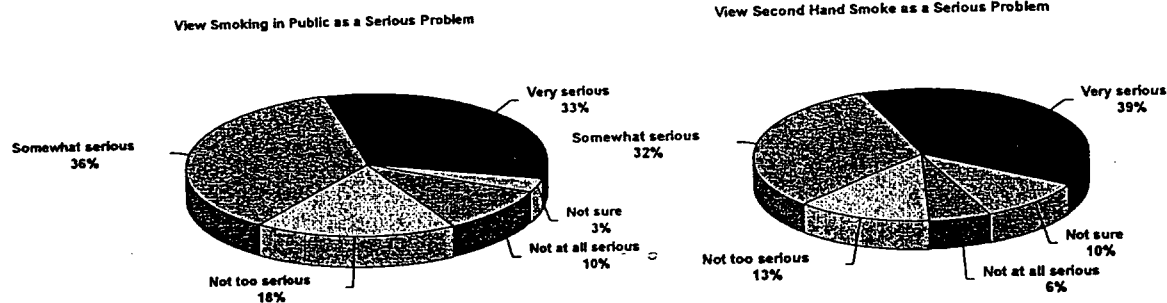
DATE: February 22, 2003

RE: Results from Opinion Research on Two Smoke-free Legislative Proposals

Secondhand Smoke Is Considered a Serious Health Problem

The Washington electorate understands the health effects of secondhand smoke. More than seven in 10 (71%) believe exposure to secondhand smoke is either a "very" or "somewhat" serious problem. Nearly that same amount (69%) considers smoking in public places in Washington to be serious. This explains the high levels of support for Local Control and Clean Indoor Air legislation – they believe the problems associated with secondhand smoke are serious and want something done about it.

Seven in Ten Washington Voters See Smoking, Either in Public or Second Hand Smoke, as a Serious Health Risk



Washington Voters Overwhelmingly Support Clean Indoor Air Proposals

EXHIBIT

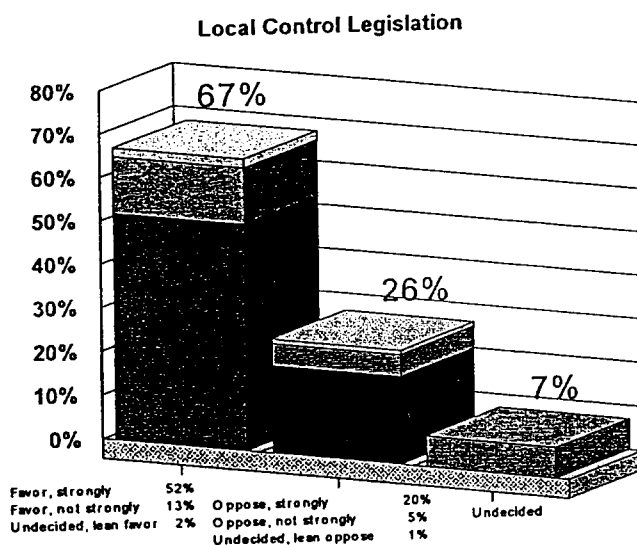
1 of 3

The electorate is enthusiastic about banning smoking in all public places. We find that 65% supports a ban with 52% "strong support," while less than three in 10 (28%) oppose the idea.

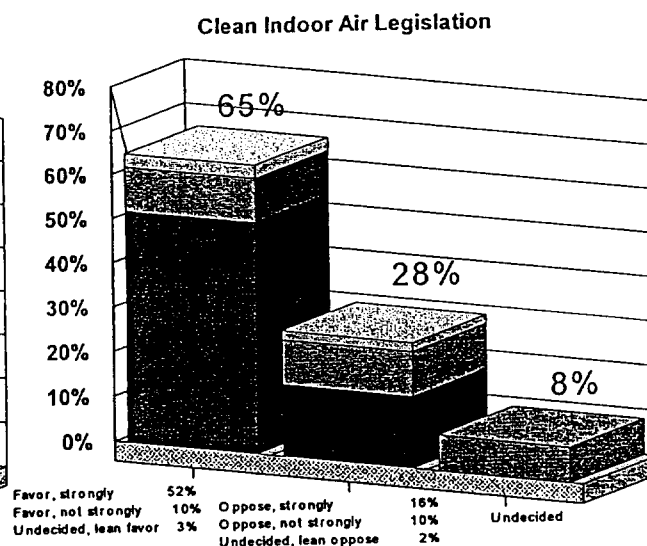
By a large 41 percentage point margin, Washington voters favor allowing cities, towns and communities to set their own smoking restrictions, even if those laws are stronger than current state law. More than two-thirds (67%) favor this local control legislation with slightly more than one-quarter against it. The intensity of opinion on this issue is strong – a majority (52%) supports this proposal "strongly," compared to 20% who are "strongly opposed" to the proposal. In other words, both proposals are extremely popular with Washington voters.

Indeed, this is one of those rare issues that is embraced by voters of all political stripes – large majorities of Democrats, Republicans and Independents support both proposals, as do voters in all regions of the state. In fact, smokers are the only demographic subgroup where we find less than majority support for each proposal.

Washington Voters Strongly Favor Both Local Control Legislation and Clean Indoor Air Legislation



Do you favor or oppose changing the state law to give cities, towns and counties the option of passing local laws to restrict smoking in public places, including restaurants, skating rinks and bowling alleys, even if those laws are stronger than state law - or don't you have an opinion on this?



Do you favor or oppose banning smoking in all public places, or don't you have an opinion on this?

According to Voters, These Proposals Are Good for the Bottom Line

While most voters say these laws would have little impact on their decision to visit a restaurant or bar, more than one in five say they would be more inclined to dine out (22%) or visit a bar or tavern (22%) more often if smoking was prohibited at that establishment. In other words, a good number of voters tell us that a smoking ban could actually increase the frequency with which they go out. Much fewer say they would be less inclined to visit smoke-free establishments.

In sum, secondhand smoke is considered a serious problem and voters believe these two legislative proposals are warranted right now. Given the high levels of broad support for both proposals, legislators must understand that opposition to either runs counter to the will of the voters.

Methodology

Grove Insight, an opinion research firm located in Portland, Oregon, conducted a survey of 400 voters in the state of Washington using professional interviewers. A voter file was used. Interviews were conducted February 13-17, 2003. The margin of error for the sample as a whole is plus or minus 4.9 percentage points at the 95% level of confidence.

EXHIBIT 5

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It's your right to breathe easy!

For Immediate Release: Monday, December 15, 2003 Contact: Abbi Kaplan 206-792-0420 (work) 206-852-3221 (cell)

Washington BREATHE: Give Washington Residents the Gift of Clean Air

Legislature Called on to Ban Indoor Smoke In All Public Places

SEATTLE—Washington BREATHE, a statewide partnership of prominent health organizations in Washington, is launching a campaign to extend the ban on indoor smoking to all public places.

"Legislators can give voters a gift that will save lives, improve health and won't cost the taxpayers a penny," said Marina Cofer-Wildsmith, chief executive officer of the American Lung Association of Washington and BREATHE spokesperson. "A statewide ban will level the playing field for businesses and protect workers."

Washington's Clean Indoor Air Act currently exempts many public places, including restaurants, bars, bowling alleys and skating rinks. "Workers and patrons in every environment need protection from the deadly effects of secondhand smoke. The science is clear, the voter support overwhelming," said Cofer-Wildsmith.

According to a BREATHE poll conducted this year, voters in every region and in both political parties strongly favor banning smoking in all public indoor places. Nearly three-quarters of those polled (71%) consider secondhand smoke exposure a serious health risk. An even greater number of respondents (78%) believe they have a right to breathe clean indoor air where they shop, work or eat.

Senator Rosemary McAuliffe, (D., 1st District) and Representative Joe McDermott (D., 34th District.) intend to advance two bills in the 2004 session: House Bill 1868 and Senate Bill 5791. Both bills would extend the ban on indoor smoke to work places currently exempted under the Clean Indoor Air Act.

"There's every reason for the legislature to act on this issue in 2004. The vast majority of state residents want this protection," Rep. McDermott said. "Retail workers have been protected from secondhand smoke since 1985, office workers have been protected since 1994. We have a responsibility to protect all workers in all environments in 2004," said Sen. McAuliffe. "There's no adverse business impact on the hospitality industry from this type of legislation. In fact, evidence shows that revenues and jobs increase as more people frequent smoke-free establishments."

A study published this year in the journal *Tobacco Control* provided a comprehensive review of all available studies on the economic impact of smoke-free workplace laws and concluded that there such laws either have no impact or a positive impact on sales and employment.

"There's no such thing as a safe level of exposure to secondhand smoke," said Dr. Len Hudson, pulmonologist and critical care physician at the University of Washington. "Disease related to exposure to secondhand smoke costs us all in increases in health care costs, rising insurance rates and decreased employee productivity. Smoke-free policies not only save lives, they also save money."

EXHIBIT 6

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BREATHE is a collaborative partnership of the American Cancer Society, American Heart Association, American Lung Association of Washington, Washington Asian Pacific Islander Families Against Substance Abuse and the Center for MultiCultural Health. Its mission is to eliminate secondhand smoke in all indoor public places.

For copies of the press release and press kit materials please visit Washington BREATHE's website. You will find links to the materials in the rightside banner.

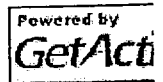


EXHIBIT ⁶
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It's your Right!

2004 Legislative Session Start

**Campaign
Launched:**
January 12, 2004

The Washington State legislature is set to consider changes to the Washington State Clean Indoor Air Act. We are contacting you because it is time to start telling your legislators that the time is now to pass SB 5791 and HB 1868!

Washington BREATHE and its partners urge you to contact your legislators and let them know that protecting all workers and patrons from the dangerous and noxious impact of secondhand smoke is their responsibility during the 2004 legislative session. Those of us who choose not to smoke should not have to breathe the dangerous toxins of those that do and it certainly should not be a requirement for keeping a job.

Sample Letter for Campaign

Subject: Worker's right to breathe clean air!

Dear [Decision Maker] ,

Workers in the hospitality industry are hit particularly hard. *Waitresses are more than three times more likely to die from lung cancer than women in other occupations. *Bartenders are twice as likely to die of lung cancer, heart disease and other smoking-related causes as workers in other industries. *Many hospitality workers inhale the equivalent of two packs of unfiltered cigarettes a day.

This is not about a person's right to smoke. It's about worker and patron's rights to breathe clean air. You can pass this law without taking any money from our dwindling state coffers and with the support of the vast majority of Washington residents of all political beliefs. It will save lives, save money, protect workers and most of all provide a level playing field for all businesses.

*There is no known safe level of exposure to secondhand smoke. *Polls show that the vast majority of residents already know it. *Secondhand smoke is classified as a Type A carcinogen, which means it has been proven to cause cancer in humans. *The Surgeon General, the Environmental Protection Agency, the National Academy of Science and the American Medical Association all agree that secondhand smoke causes illness and death. *It is the third leading cause of preventable death in the United States.

EXHIBIT 7

1 of 2

A few restaurant owners claim a smoking ban would harm businesses, but the evidence suggests otherwise. A business has a better opportunity to increase its market share by being smoke-free. *California, which eliminated tobacco smoke from all indoor public places in 1998, those restaurants show continued growth according to state statistics. *2001 revenues from restaurants and bars in California jumped to \$36.8 billion, up from \$25.5 billion in 1995. *More restaurants and bars were operating in California than before smokefree laws-- 140 more bars existed in 2001 than in 1997. *New York City banned smoking in its bars and restaurants nine months ago. There have been no overall job losses in the food-service and drinking industry, no verified reports of restaurants or clubs closing solely because of the smoking ban and more requests for licenses to open new establishments.

Will you protect the rights of all workers and patrons from the dangerous and noxious impact of secondhand smoke and pass this legislation?

Sincerely,
[Your Name]
[Your Address]

Background Information

We have an unprecedented opportunity in Washington State. Our elected officials have the chance to protect workers and the public from the very real dangers of secondhand smoke. As the legislative session begins our lawmakers can pass one of the country's most comprehensive secondhand smoke protection laws and make Washington State the 7th smokefree state in the nation!

Every day waitresses, bartenders and others in the Washington hospitality industry work in rooms filled with secondhand smoke. The unfiltered carcinogens found in secondhand smoke are 100 times more concentrated than when inhaled directly through a filtered cigarette. According to the Environmental Protection Agency (EPA), there is no safe level of secondhand smoke.

- Waitresses are more likely to die from lung cancer or heart disease than any other female occupational group. They have four times the expected lung cancer mortality and 2 1/2 times the expected heart disease mortality rate.
- Researchers have found that restaurant workers have a 50% greater risk of developing lung cancer compared to other occupations.
- Many hospitality workers inhale the equivalent of two packs of unfiltered cigarettes a day.
- Secondhand smoke is classified as a Group A carcinogen- a substance known to cause cancer in humans- and contains over 4000 chemicals, 43 of which are known carcinogens

All workers deserve protection. No one should be exposed to these dangerous toxins as a

condition of their employment.

Washington residents now have the very real job in telling their elected officials how they feel about this issue. We know that a majority support eliminating secondhand smoke in public places, our polls showed us that greater than 65% of voters approve!

Please take the couple of minutes now to write to your legislators and tell your friends too!

Maintainer: Washington BREATHE Alliance



EXHIBIT 7
3 of 3

----- Forwarded Message

From: "Washington BREATHE Alliance" <Kevin.knox@cancer.org>

Reply-To: notice-reply-[REDACTED]@lungaction.org

Date: Tue, 25 May 2004 21:28:30 GMT

To: [REDACTED]

Subject: Please Stay in Touch

It's your right to breathe easy!

Dear [REDACTED]

The Washington BREATHE Alliance was funded through a grant request to the Robert Wood Johnson Foundation two years ago for the purpose of education around clean indoor air policies. That grant period and the existence of the Washington BREATHE Alliance comes to an end on May 31, 2004.

We want to thank you for helping us achieve great successes in advancing this issue. Although we did not realize statewide passage of a smokefree workplace policy, we made great progress for future efforts. Just a few of the things you have helped us do over the past two years include:

- Framed the issue in the media and the legislature around the need to protect all workers from the dangers of secondhand smoke.
- Conducted a statewide poll that shows Washington voters overwhelmingly support smokefree policies in ALL public places.
- Elevated the issue in the minds of the media and legislators - it became one of the hot ones!
- Gained the support of a majority of legislators and policy makers throughout the state.
- Fought off an attempt by Big Tobacco and the gambling industry to push unacceptable legislation.

It's critical that you stay involved and continue to fight to make all indoor public places smokefree and there are many opportunities for you to do so. Several organizations, including those that comprise the BREATHE partnership, will continue their efforts to make that goal a reality. We encourage you to sign up for one or all of the following networks to stay informed on their progress and activities:

American Cancer Society <<http://lungaction.org/ct/2d11il41aaYn/>>

American Heart Association <<http://lungaction.org/ct/Np11il41aaYy/>>

American Lung Association of Washington <<http://lungaction.org/ct/211il41aaYh/>>

Washington Asian Pacific Islander Families Against Substance Abuse <<mailto:lee@wapifasa.org>>

Center for Multicultural Health <<mailto:brandie.flood@cschc.org>>

There is currently an initiative effort underway to place this important issue before the voters in November. Supporters of Initiative 890 are working hard to obtain over 190,000 valid signatures by July 2. More information about this can be obtained from the individual organizations above.

Thank you again for your dedication and support over the past two years. We have enjoyed having the opportunity to work with you and hope you will continue to be involved in this important issue. Everyone has the right to breathe smokefree air!

Sincerely,

The Partners and Staff of the Washington BREATHE Alliance

This message was sent to [REDACTED] Visit your subscription management page <[http://lungaction.org/smokefree_washington/smp.tcl?nkey=\[REDACTED\]](http://lungaction.org/smokefree_washington/smp.tcl?nkey=[REDACTED])> to modify your email communication preferences or update your personal profile. Click here <[http://lungaction.org/smokefree_washington/remove-domain-direct.tcl?nkey=\[REDACTED\]](http://lungaction.org/smokefree_washington/remove-domain-direct.tcl?nkey=[REDACTED])> (or reply via email with "remove" in the subject line) to remove yourself from ALL email lists maintained by Washington BREATHE Alliance.

----- End of Forwarded Message

EXHIBIT 8
1 of 1

Memo:

TO: Investigative File - Washington BREATHE Alliance
FROM: Phil Stutzman, Director of Compliance
DATE: April 9, 2004
SUBJECT: Clarification Call with Kevin Knox, Project Director, WA BREATHE Alliance

Contact Information:

Kevin Knox (206) 674-4184

David Delvallee (206) 674-4177

Kevin Knox, Project Director, Washington BREATHE Alliance (WBA), called regarding the complaint by Ian Foraker. He said the following:

- There are five member organizations that are part of Washington BREATHE Alliance
 - American Cancer Society
 - American Heart Association
 - American Lung Association
 - Washington Asian Pacific Islander Families Against Substance Abuse
 - Center for Multicultural Health
- The first three members make cash contributions and provide in-kind services. Two have registered lobbyists. Melanie Stewart lobbies for the American Heart Association and Nick Federici lobbies for the American Lung Association. Mike Ryherd and Susie Tracy have no connection with WBA.
- WBA is not a separate legal entity and is not a corporation. Kevin Knox works full time as the Project Director, but he is paid by the American Cancer Society.
- The American Cancer Society received \$989,000 from 2002 – 2004 from the Robert Wood Johnson Foundation. It is for a variety of efforts.
- Four ads were taken out on television with C. Everett Koop. David Delvallee, of the American Cancer Society, talked with someone from PDC who he said told him they did not need to report. They now understand and are in the process of filing L-6 reports.
- Kevin Knox will respond to the complaint, including the grass roots lobbying questions.

EXHIBIT ⁹

_____ of _____



April 20, 2004

RECEIVED

APR 22 2004

Public Disclosure Commission

Philip E. Stutzman, Director of Compliance
Washington State Public Disclosure Commission
711 Capitol Way, Room 206
Olympia, Washington 98504-0908

Re: PDC Case #: 04-446

Dear Mr. Stutzman:

I have received your correspondence of April 8, 2004, and am responding to the complaints filed by Mr. Foraker related to the Washington BREATHE Alliance. The American Cancer Society is the fiscal agent of BREATHE for a grant from the Robert Wood Johnson Foundation. The BREATHE Alliance should not be confused with the Breathe Easy campaign currently underway in support of Initiative 890, as that is a separate entity organized by individuals not associated with the American Cancer Society nor the organizations that comprise the BREATHE Alliance. A specific reply to each of the six bullet points listed in the complaint is attached (attachment A).

Enclosed are completed PDC Form L-6 (grass roots lobbying) documents for the months of January, February, and March 2004. Upon review of our expenditures in relation to the legislative campaign in support of HB 1868 (a comprehensive statewide clean indoor air law) we have determined that we were in error in not filing these documents with your office. The primary expenditure is related to the C. Everett Koop television ads during the past legislative session, some of which were a call to action for our volunteers and the general public. There were four versions of the television spot, and the scripts for each are also enclosed (attachments B, C, D, and E) for your review. A spreadsheet of the spots that ran is attached (attachment F) for your review and records.

Thank you for your assistance in resolving this matter. Please feel free to contact me directly at 206.674.4177 should you have further questions.

Respectfully,

David J. Delvallee, Advocacy Director
Northwest States, Great West Division

EXHIBIT ¹⁰
1 of 19

Great West Division, Inc. - Corporate Offices

2255 S. Oneida St. Denver, CO 80224 t) 303.758.2030 f) 303.758.7006
2929 E. Thomas Rd. Phoenix, AZ 85016 t) 800.227.2345 f) 602.381.3096
2120 1st Ave. N. Seattle, WA 98109 t) 206.283.1152 f) 206.285.3469

1.800.ACS.2345
www.cancer.org

Hope.Progress.Answers.®

RECEIVED

APR 22 2004

Public Disclosure Commission

Attachment A

"Fact 1": WA BREATHE is a coalition of organizations whose primary purpose is to influence state and local legislation. WA BREATHE is a fully functioning political committee that has produced numerous pieces of literature (including a functioning web site) and legislative proposals designed to influence state law.

Response: The primary purpose of Washington BREATHE is to educate the public about the dangers of second-hand smoke and to compliment the efforts of organizations like the American Cancer Society in those organization's efforts to advocate for public policy that reduce the incidence of cancer in the state. Washington BREATHE is not a political committee and receives no donations beyond the grant from the Robert Wood Johnson Foundation and in-kind contributions from the member organizations.

"Fact 2": The organizations who make up WA BREATHE received grants from the Robert Wood Johnson Foundation under the Smokeless states (sic) initiative totaling \$3,038,399 from June of 2001 through May 2004. The primary purpose of these grants is for the passage of state legislation as outlined in the Smokeless states initiative.

Response: The amount of the grant received or pending is not accurate. The Seattle office does receive grants for a project in Montana, and the Seattle office of the American Heart Association receives a grant for a project (TOFCO) in Oregon. Washington BREATHE Alliance was granted slightly under a million dollars for the two year length of the project listed above. Again, the primary purpose of the Washington BREATHE Alliance is educational.

"Fact 3": The organizations of WA BREATHE employ registered lobbyists who conduct legislative relations on behalf of WA BREATHE and respective parent organization(s) concurrently, but did not file reports indicating expenditures on behalf of BREATHE.

Response: No grant funds are used to employ or contract with lobbyists. The lobbyists cited in the complaint are employed or contracted by the American Cancer Society (Stewart and O'Sullivan) and the American Lung Association of Washington (Frederici). They perform services solely on behalf of these two organizations and in relation to legislation unrelated to tobacco.

EXHIBIT

2 of 19

APR 22 2004

"Fact 4": WA BREATHE has conducted voter opinion surveys on legislative proposals (February 2003) but did not report these expenditure as lobbying expenses as defined by WA State law. Public Disclosure Commission

Response: A public opinion survey was conducted in February 2003 but it did not constitute grass roots lobbying.

"Fact 5": WA BREATHE a (sic) held press conference and issued a media release on December 15th 2003 advocating for specific legislative proposals citing support of several lawmakers for the legislation in question. This clearly meets the scrutiny threshold for legislative activism as outlined in RCW 42.17. WA BREATHE was not registered as a political committee at that time.

Response: The speakers at the press conference included two state legislators (Senator McAuliffe and Representative McDermott) who were the primary sponsors of the proposed clean indoor air legislation, and were speaking on behalf of themselves, not Washington BREATHE. The other speakers were private citizens and a representative of the American Lung Association of Washington who spoke from their individual perspectives and organization opinion respectfully.

"Fact 6": Kevin Phelps has been hosting regular meetings of Washington BREATHE and the Breatheasy (sic) Initiative at the Landmark Hotel and Convention Center for the past year and making both in-kind and direct campaign contributions and has failed to report such political contributions.

Response: Mr. Phelps is not associated with the Washington BREATHE Alliance. Rather, he is associated with the Breathe Easy campaign in favor of Initiative 890, an entirely separate organization. Therefore, the Washington BREATHE Alliance is not responsible for reporting his, or anyone else's activity, on behalf of the Breathe Easy campaign.

APR 22 2004

Public Disclosure Commission

Pyramid Communications

Title: "It's time to Act"

2/6/04

Medium: TV

Time: 30

Fade up on art card with black font on white background:

C. Everett Koop, MD
former Surgeon General

Dr. Koop:

Secondhand smoke is a killer. There is a historic opportunity in Washington to eliminate secondhand smoke from all indoor public places.

We protect office workers from toxic smoke

We see waitresses working

Why not protect all workers.

Everyone has the right to breathe clean indoor air.

...and the fact is it's good for business, revenues go up, jobs are created as more people go out to enjoy smokefree places.

We see smiling wait staff and dissolve to closing art card

Narrator:

It's time for our leaders to act. It's your right.

APR 22 2004

Public Disclosure Commission

Pyramid Communications

Title: "It's your Right" 2/6/04 Medium: TV Time: 30

Fade up on art card with black font on white background:

C. Everett Koop, MD
former Surgeon General

Dr. Koop:

Secondhand smoke is a killer. There is a historic opportunity in Washington to eliminate secondhand smoke from all indoor public places.

We protect office workers from toxic smoke

We see waitresses working

Why not protect all workers.

Everyone has the right to breathe clean indoor air.

...and the fact is it's good for business, revenues go up, jobs are created as more people go out to enjoy smokefree places.

We see smiling wait staff and dissolve to closing art card

Narrator:

Smokefree. It's your right.

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APR 22 2004

Public Disclosure Commission

Pyramid Communications

Title: "Waitress" 2/6/04 Medium: TV Time: 30

Fade up on art card with black font on white background:
C. Everett Koop, MD

Dr. Koop:
Secondhand smoke is a killer.

We see restaurant workers. Graphic support:
Waitresses: four times more likely to get cancer

Narrator:
A waitress in a smoke filled restaurant is four times more likely to get cancer than an office worker.

We see Dr. Koop on camera

Dr. Koop:
We protect office workers from toxic smoke
Why don't we protect all workers?
Everyone has the right to breathe clean indoor air.
And the fact is clean indoor air is good for business too. Revenues go up and jobs are created as more people go out to enjoy smokefree places.

We see closing graphic with BREATHE logo and graphic support:
Smokefree indoor places. It's your right.

Narrator:
Smokefree. It's your right.

APR 22 2004

Public Disclosure Commission

Pyramid Communications

Title: "Hotline" 2/6/04 Medium: TV Time: 30

Fade up on art card with black font on white background:

C. Everett Koop, MD
former Surgeon General

**Dr. Koop:
Secondhand smoke is a killer.**

We see art card:
Call The Legislative Hotline 1-800-562-6000
Eliminate secondhand smoke from indoor public places
www.wabreathe.org

**There is a historic opportunity in Washington to eliminate secondhand smoke from
all indoor public places.**

We protect office workers from toxic smoke...

We see art card message dissolve to:
65% of voters support smokefree indoor public places

**...Why not protect all workers.
Everyone has the right to breathe clean indoor air.
...and the fact is it's good for business, revenues go up, jobs are created as more
people go out to enjoy smokefree places.**

We see closing art card with BREATHE logo & member logos:
Call The Legislative Hotline 1-800-562-6000

**Narrator:
Call the legislature. Demand smokefree indoor public places.**

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APR 22 2004

Public Disclosure Commission

Attachment F

Washington BREATHE Alliance - C. Everett Koop Ads (January-March 2004)

	Time to Act	It's your Right	Waitress	Hotline	Total
Type	Grassroots	Educational	Educational	Grassroots	
January	39	11	0	0	50
February	78	26	139	62	305
March	0	0	1	0	1
Total Ads	117	37	140	62	356
Expenditure*	26,235	\$8,325	\$31,500	\$13,950	\$80,100

*\$225 per ad

EXHIBIT

8 of 19

**PUBLIC DISCLOSURE COMMISSION**

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

**GRASS ROOTS
LOBBYING**

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

RECEIVED**APR 22 2004****Public Disclosure Commission**

Sponsor's name

American Cancer Society, Great West Division

Address

2120 First Avenue, North

City

Seattle

State

Washington

Zip

98109

Telephone

(206) 283-1152

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Clean Indoor Air law. HB 1868 and SB 5791
Prohit smoking in public places.

2. This report covers:

- ☒ Registration
(Initial report)
☒ Monthly report
From 1/1/04 To 1/31/04
☐ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
David J. Delvallee	Advocacy Director Northwest States Great West Division	2120 First Avenue, North Seattle Washington 98109

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION
American Cancer Society	Cancer Research, Education and Advocacy.	
Pyramid Communications	Public Relations	\$2,652/month

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)		\$ 0.00
2. Expenses this reporting period:	\$	
A. Radio		
B. Television		8,775.00
C. Newspapers, magazines		
D. Brochures, signs		6,552.00
E. Printing and mailing		500.00
F. Consultants, public relations		2,652.00
G. Office expense, travel, salaries		1,020.00
H. Contributions		
I. Entertainment		
J. Other expenses		150.00
3. Total expenditures this period (lines 2a-2j)		\$ 19,649.00
4. Total expenditures in the campaign (lines 1 + 3)		\$ 19,649.00

Continue On Reverse

EXHIBIT 10
9 of 17

American Cancer Society, Great West Div.

Public Disclosure Commission

This report covers:

01/01/04 to 01/31/04

6. Contributions:

List each person or organization who has contributed \$25 or more during this report period

[illegible]

List Total Amount From Any Attached Pages \$

Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed

Total Contributions This Period.....

Total Contributions During The Campaign	0.00
---	------

CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Name and title

David Delvallee, Advocacy Director

Signature _____

Date _____

Signature Randy R. Smith Date 4-22-04

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:

Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

EXHIBIT

10 of 14

GRASS ROOTS LOBBYING

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

RECEIVED

APR 22 2004

Public Disclosure Commission

Sponsor's name
American Cancer Society, Great West Division

Address
2120 First Avenue, North

City State Zip Telephone
Seattle Washington 98109 (206) 283-1152

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Clean Indoor Air law. HB 1868 and SB 5791
Prohibit smoking in public places.

2. This report covers:

- ☐ Registration
(Initial report)
- ☒ Monthly report
From 2/1/04 To 2/29/04
- ☐ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
David J. Delvallee	Advocacy Director Northwest States Great West Division	2120 First Avenue, North Seattle Washington 98109

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION
American Cancer Society	Cancer Research, Education and Advocacy.	
Pyramid Communications	Public Relations	\$2,652/month

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)		\$ 19,649.00
2. Expenses this reporting period:	\$	
A. Radio		
B. Television		31,500.00
C. Newspapers, magazines		
D. Brochures, signs		
E. Printing and mailing		
F. Consultants, public relations		2,652.00
G. Office expense, travel, salaries		1,563.00
H. Contributions		
I. Entertainment		
J. Other expenses		506.00
3. Total expenditures this period (lines 2a-2j)		\$ 36,221.00
4. Total expenditures in the campaign (lines 1 + 3)		\$ 55,870.00

Continue On Reverse

EXHIBIT 10

11 of 14

American Cancer Society, Great West Div.

Public Disclosure Commission
02/01/04 to 02/29/04

6. Contributions:

List each person or organization who has contributed \$25 or more during this report period

[illegible]

List Total Amount From Any Attached Pages \$

Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed.....

Total Contributions This Period.....

Total Contributions During The Campaign	0.00
---	------

CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Name and title
David Delvallee, Advocacy Director

Signature Danby R. Quillen Date 4-22-04

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:

Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

EXHIBIT

12 of 14



PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

**GRASS ROOTS
LOBBYING**

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

RECEIVED

APR 22 2004

Public Disclosure Commission

Sponsor's name

American Cancer Society, Great West Division

Address

2120 First Avenue, North

City

Seattle

State

Washington

Zip

98109

Telephone

(206) 283-1152

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Clean Indoor Air law. HB 1868 and SB 5791
Prohibit smoking in public places.

2. This report covers:

☐ Registration
(Initial report)

☒ Monthly report
From 3/1/04 To 3/31/04

☒ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
David J. Delvallee	Advocacy Director Northwest States Great West Division	2120 First Avenue, North Seattle Washington 98109

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION
American Cancer Society	Cancer Research, Education and Advocacy.	
Pyramid Communications	Public Relations	\$2,652/month

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)		\$ 55,870.00
2. Expenses this reporting period:	\$	
A. Radio		
B. Television		
C. Newspapers, magazines		
D. Brochures, signs		3,552.00
E. Printing and mailing		
F. Consultants, public relations		2,652.00
G. Office expense, travel, salaries		850.00
H. Contributions		
I. Entertainment		
J. Other expenses		150.00
3. Total expenditures this period (lines 2a-2j)		\$ 7,204.00
4. Total expenditures in the campaign (lines 1 + 3)		\$ 63,074.00

Continue On Reverse

EXHIBIT 10
13 of 15

\$

4-22-04

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

19 of 19

CALL FOR PROPOSALS:



SmokeLess
States:
Statewide
Tobacco
Prevention
And
Control
Initiatives
1996

Purpose

SmokeLess States--an existing program of The Robert Wood Johnson Foundation covering 19 states--will expand its activities to support additional state-wide efforts to reduce tobacco use among Americans, particularly children and youth. The program will make new grants to up to 21 state-wide coalitions working in partnership with community groups. Grantees will develop and implement comprehensive tobacco control programs that include education, treatment, and policy initiatives.

Specifically, the grantees and the partnerships they create under the program should:

- strengthen state-wide coalitions;
- foster public awareness efforts to denormalize tobacco use;
- enhance tobacco prevention and treatment capacity; and
- develop a policy plan in order to reduce the use of tobacco by youth.

EXHIBIT 11

1 of 4

- strengthen statewide coalitions;
- foster public awareness efforts to denormalize tobacco use;
- enhance tobacco prevention treatment capacity; and
- develop a policy plan, including increasing tobacco taxes in order to reduce the use of tobacco by youth

BACKGROUND

Tobacco remains the No. 1 preventable cause of death and disease in the United States. Each year, it accounts for more than 400,000 deaths and more than \$50 billion in health care costs. Adult smoking prevalence in this country has declined in the past two decades; however, youth tobacco use has climbed dramatically in the past four years. This alarming increase in youth tobacco use has been called a "pediatric epidemic" by public health officials. The proportional increase in smoking is greatest among eighth grade students. Current smokers (the proportion of students who have smoked cigarettes in the last 30 days) rose by 30 percent between 1991 and 1994 (14.3 percent to 18.6 percent). Public health officials are increasingly concerned that the incidence of tobacco consumption by young people will continue to rise unless decisive preventive steps are taken. The United States has not yet adopted a national policy to help reduce tobacco use by young people; therefore, states and communities have been the major testing grounds.

In 1993, the Robert Wood Johnson Foundation authorized a \$10 million grant program for SmokeLess States in an effort to help coalitions develop statewide plans and activities to reduce tobacco use, especially among children and teens. Two types of grants were awarded in 1994: (1) two-year capacity-building grants; and, (2) four-year implementation grants. Ten states received capacity-building grants and nine states received implementation grants. The Foundation's SmokeLess States program has been one of in coalition development, public education, prevention and treatment, and policy development. This progress has motivated the Foundation to launch a second round of grants to help states take the next step in their tobacco control efforts.

THE PROGRAM

This expanded program will support development and implementation of comprehensive tobacco control strategies. The four essential elements of each project to be supported under this program are:

1. Mobilizing statewide coalitions. Projects will be expected to mobilize existing or new statewide coalitions that would build organizational, technical, and leadership capacity to develop and implement a comprehensive program for reducing tobacco use, especially among youth. This statewide coalition should ideally be broadbased and involve health agencies, insurers, government, media, philanthropy, the business sector, and consumers, who should represent the state's ethnic and socioeconomic diversity. The statewide coalition will develop a strategic plan to guide the design of the overall project. (Applicants that already have federally-funded ASSIST or IMPACT grants will be expected to explain how this project differs from or enhances those activities.)
2. Public education campaign. Projects will develop the capacity to launch a public education campaign designed to reduce the demand for tobacco. Such a campaign could involve working with state and local news and information media, advertising and public relations firms, public officials, civic groups and other influential organizations and individuals. These campaigns will

employ commercial advertising techniques -- including paid placement of targeted messages -- and other strategies to emphasize the harmful effects of tobacco use and help change community norms.

3. Enhanced prevention and treatment capacity. Projects will be expected to improve the capacity in the state to provide both tobacco prevention and treatment programs. Examples include: (a) enhanced school- and community-based prevention programs focusing on youth, particularly those most susceptible to initiation and adoption of smoking; (b) involvement of youth as volunteers for tobacco prevention and control activities; (c) increased availability to tobacco cessation services, particularly for pregnant women, low income and other vulnerable populations; and (d) training and involvement of health care providers in tobacco prevention and control.
4. Tobacco policy development. Projects will develop and promote a policy agenda that would reduce tobacco use. Policy actions ideally should include: (a) increased state tobacco excise taxes in order to reduce the demand for tobacco products as well as generate long-term financing for program activities; (b) promotion of local ordinances to reduce tobacco use by young people and to reduce the exposure of non-smokers to environmental tobacco smoke; (c) promotion of policies supporting tobacco-free work places and public places; (d) promotion of ordinances and other policy actions to reduce youth access to tobacco products -- including reducing the marketing and illegal sale of tobacco to children; and (e) fostering changes in Medicaid and state employee health insurance coverage and encouraging private health insurance to cover tobacco cessation services.

These grants are designed to help states take the next step in their tobacco control efforts. Applicants are invited to submit a proposal for an implementation grant of up to four years. We expect to award up to 21 implementation grants that will average between \$500,000 to \$1.5 million. An additional \$3 million in grant funds will be set aside in a "Special Opportunities Fund." These funds will be held in reserve for any of the grantees that are making considerable progress during the 1997-99 period and can demonstrate that additional grant resources will enable them to reach their goals. App

In general, more complex and ambitious projects in more heavily populated states will justify larger implementation budgets. Monies from other sources, including coalition members, will be needed to complete individual project budgets. Please see appendix six that will explain the Foundation's general point of view regarding grantees securing matching funds from other sources. In particular, funds will have to come from other sources for certain policy development activities as Foundation funds may not be used for lobbying.

ELIGIBILITY AND SELECTION CRITERIA

Public and private organizations are eligible to apply under this program. Applicants should provide evidence of their qualifications to lead and mobilize members of a statewide coalition. Applicants can be state affiliates of major voluntary health organizations, (i.e., the American Heart Association, the American Lung Association, and the American Cancer Society), tobacco control organizations, consumer-oriented health organizations, state medical, dental, or hospital associations, state government agencies, civic, educational, religious, and philanthropic organizations, or other groups that can assume a statewide leadership role. Since the leadership in tobacco control may differ from state to state, neither the composition of the coalition nor a designation of which agency should act in the lead role will be made by the Foundation. Diversity,

- Coalition member letters of support should address the specific support and commitments that have been pledged for the project including specific capabilities of the organizations that will be available to the project and any hard, in-kind, or soft match. Also mention individuals from each agency who will be assigned to the project and the specific talent or expertise they will contribute. Attach coalition letters of support as Appendix H.
- Key individuals can be, for example, the governor, knowledgeable, dedicated and effective legislators on the tobacco control issue, and any proven effective spokesperson on the issue or a knowledgeable, proven effective spokesperson on another related issue who is willing to take on tobacco control. Attach key individual letters of support as Appendix I.
- Please provide a list of coalition and prospective coalition members. Attach as Appendix J.
- Foundation funds may not be used for lobbying. Please describe your strategy that will ensure that Foundation funds will not be used to influence the passage of legislation or referenda and attach as Appendix K.

APPLICATION SUBMISSION

The deadline for receipt of currently funded capacity-building grant applications is June 5, 1996. The deadline for applications for states who have never received funding under this program is September 30, 1996. Faxed proposals will not be accepted. Submit one original and 13 copies of the completed application package and 30 extra copies of the Executive Summary to:

- Ms. Yolanda Barnes
Administrative Assistant
SmokeLess States National Program Office
American Medical Association
515 North State Street
Chicago, Illinois 60610

A reverse site visit for currently funded capacity-building grantees has been scheduled for June 27, 1996 in Chicago, IL. It is anticipated that grant awards for currently funded capacity-building grantees will be made by Fall 1996.

Site visits to prospective grantees will be made beginning in Fall 1996. It is anticipated that new implementation grant awards will be announced in January 1997. We regret that it will not be possible to provide critiques of unsuccessful proposals.

Content-related questions about SmokeLess States or the application process for this initiative should be directed to Thomas Houston, MD, the program director (312-464-5957) or Kathleen C. Harty, the deputy director (312-464-5540) at the American Medical Association. Logistical and detail-related questions about the application process should be directed to Yolanda Barnes, the program administrator in the National Program Office at (312) 464-4903. The fax number for the NPO is (312) 464-4111.

EXHIBIT 11

4 of 4

THE
ROBERT WOOD
JOHNSON
FOUNDATION

RECEIVED

JUN - 4 2004

Public Disclosure Commission

May 23, 2002

Diana Kuhns
Chief Operating Officer
American Cancer Society, Inc., Northwest Division, Inc.
2120 First Avenue North
Seattle, WA 98109-2301

Reference: I.D. #045147 - Conveyance of Funds, Guidelines, and Forms

Dear Ms. Kuhns:

This supplements our recent award letter in regard to your grant for \$987,932 in support of SmokeLess States Program.

The Foundation's policy is to disburse your grant funds semi-annually. Your first check for \$242,473 is enclosed. Funds cannot be expended against any subcontract in your budget until the subcontract or, alternatively, a letter which specifies the contractee, period of performance, workplan/deliverables, and budget and budget narrative have been received and reviewed by both the Foundation and the National Program Office. Also enclosed is a Financial Report form. This form should be completed semi-annually and returned to this office when additional cash is needed.

Under extraordinary circumstances, payments may be either accelerated or decelerated. Therefore, you should submit the financial report whenever it becomes evident that your remaining cash balance will be depleted.

The Request for Project Support and Conditions of Grant form imposes a number of specific requirements regarding the use of funds. Since you are responsible for complying with these requirements, I am attaching a copy for your reference. In addition, a copy of our "Grant Budget Revision Guidelines" and "Financial Reporting/Budgeting Practices," to be followed if a budget revision becomes necessary, are also attached. Please read these guidelines and practices carefully.

The Robert Wood Johnson Foundation has initiated a program whereby grantees and contractors are selected at random to receive an internal audit review. The purpose of this review is to: 1) provide the Foundation with the assurance that our funds are being used for their intended purpose; and 2) provide recommendations to our grantees and contractors on methods to improve their organizations. If your organization is selected, you will be notified in advance of the audit.

Annual financial and narrative reports on this grant will be due shortly after each budget period. You will receive a reminder in advance of the due date of these reports.

Office of the Vice President and Treasurer

Route 1 and College Road East Post Office Box 2316 Princeton, New Jersey 08543-2316 (609) 452-8701

EXHIBIT

1 of 15

When submitting all correspondence under your grant, reference the above-captioned grant number. If someone other than yourself will be the financial contact person on this grant, please supply us with that information. The person who has financial responsibility for your grant at the Foundation is Joseph P. Wechselberger.

If you have any questions about any of the above items, please contact Mr. Wechselberger at 609-627-5864. We welcome you to the Foundation's family of grantees and look forward to assisting you.

Sincerely,



Peter Goodwin
Vice President and Treasurer

/FAB
Enclosures

cc: Donna R. Grande, M.G.A.
Thomas P. Houston, M.D.
Kevin Knox
Karen K. Gerlach Ph.D.

EXHIBIT

2 of 15

Appendix C: Executive Summary

Title: Washington BREATHE (Backers of Responsible Education About Tobacco's Harmful Effects) Coalition

Lead Organization: American Cancer Society – NW Division

Principal Contact Person: Kevin Knox, Washington Advocacy Director
(425) 741-8949
Kevin.Knox@cancer.org

Synopsis

Washington BREATHE (Backers of Responsible Education About Tobacco's Harmful Effects) is a coalition of leaders in tobacco control and health mobilization in Washington State. The coalition includes the American Cancer Society NW Division, American Lung Association of Washington, American Heart Association, Washington Association of Community and Migrant Health Clinics and Washington Asian Pacific Islander Families Against Substance Abuse.

BREATH members will work together to deploy grassroots organizers throughout Washington State to mobilize grassroots advocacy for the elimination of secondhand smoke. This mobilization will build on existing community-based coalitions for tobacco control for a stronger focus on eliminating secondhand smoke in all public places statewide. In addition, mobilization efforts will reach out to community coalitions with health, community wellness, environmental and other concerns to engage them in addressing secondhand smoke elimination.

Washington State residents are primed to eliminate the dangers of secondhand smoke. Just months ago, Washington voters passed the highest cigarette tax in the nation in order to support children's health and tobacco cessation programs. The tax passed by an overwhelming majority – 66 percent statewide. More importantly, the measure won a majority in 38 of Washington's 39 counties.

Specific elements of the mobilization effort will include:

- ▶ Placement of four community organizers in communities statewide to mobilize grassroots advocacy for the elimination of secondhand smoke;
- ▶ Increased media advocacy for the elimination of secondhand smoke, focusing on under-represented communities not currently reached by the state's media campaign;
- ▶ Cross-cultural coalition building to increase the diversity of support for the elimination of secondhand smoke statewide;
- ▶ Policy and media advocacy training support to increase the effectiveness of community advocates statewide.

The base of support for the elimination of secondhand smoke and its dangers is both wide and deep in Washington state. Investment now in grassroots mobilization can bring Washington into the forefront of tobacco control in the country.

EXHIBIT 12

3 of 15

Appendix 1 - Plans to ensure Foundation funds not used for lobbying

BREATHE (Backers of Responsible Education About Tobacco's Harmful Effects) members understand the prohibition on using Smokeless States Program foundation funds for lobbying activities. At the same time, lobbying is an important component of advocacy for the elimination of secondhand smoke in Washington's state's public places.

Lobbying efforts linked to the elimination of secondhand smoke will be supported by non-foundation, non-federal funds drawn from unrestricted donations received by member organizations. Specifically, the following amounts have been committed to support lobbying by BREATHE member organizations:

▶ American Cancer Society - NW Division -	\$ 68,000
▶ American Heart Association -	\$ 21,000
▶ American Lung Association of Washington -	\$ 30,000
▶ WAPIFASA-	\$ 5,000

Total \$124,000

The American Cancer Society, as lead agency and fiscal agent for the proposed grant funds, will assure that accounting controls are sufficient to clearly demonstrate under audit that funds used for lobbying are from non-Foundation and non-Federal sources.

EXHIBIT 12

4 of 15

PYRAMID

COMMUNICATIONS

COPY

INVOICE

ACS/Washington BREATHE
2120 1st Avenue North
Seattle, WA 98109

Date: November 30, 2003

Invoice # 7790

ATTN: Kevin Knox
cc: Dave Delvallee ✓

Terms: Net 30 days

DESCRIPTION	AMOUNT
For Services Rendered: 9/01/03 - 11/30/03	
<u>Consulting fee</u>	\$ 26,250.00
<u>Costs</u>	
Copier/fax/postage	21.31
Phone	90.38
Fed Ex/Messenger	133.50
Sub-total costs:	245.19
<u>Printing/Materials Production</u>	
Banners (1) and repair to existing banner	532.58
Brochures	3,552.10
Sub-total Printing/Materials Production:	4,084.68
TOTAL DUE THIS INVOICE:	\$ 30,579.87

Please make check payable to: Pyramid Communications
A finance charge of 1.5% per month will be added to the balance after 30 days.

EXHIBIT 12

5 of 15



MARKETING SOLUTIONS, NW

Invoice Date: December 23, 2003

American Cancer Society

"Breathe Campaign"

American Cancer Society Memo Bill for the "Breathe Campaign"

December 2003

50% of pre-payment towards Breathe campaign
airing on Belo NW Television Properties

Total Due: \$50,000.00

Term: Please pay immediate

EXHIBIT 12
6 of 15



MARKETING SOLUTIONS, NW

Invoice Date: February 6, 2004

American Cancer Society

"Breathe Campaign"

American Cancer Society Memo Bill for the "Breathe Campaign"

February 2004

Remaining 50% of pre-payment towards Breathe campaign
airing on Belo NW Television Properties

Total Due: \$50,000.00

EXHIBIT ¹²
of ¹⁵

333 Dexter Avenue North, Seattle, WA 98109 206-448-3725 Fax 206-448-3760

PYRAMID

COMMUNICATIONS

INVOICE

ACS/Washington BREATHE
2120 1st Avenue North
Seattle, WA 98109

ATTN: Kevin Knox

Date: February 24, 2004

Invoice #7920

Terms: Due upon receipt

DESCRIPTION	AMOUNT
For Services Rendered in connection with TV spot(s) production	
Travel	\$ 888.57
Food & Accommodations	
Shipping	811.43
Film & Processing	40.00
	6.62
	858.05
Production - New Hampshire	
Personnel	
Equipment	4,425.00
Sub-total	1,465.10
	5,890.10
Post Production - 5 spots (3 Koop, 2 Spanish)	
TV-001 "Act", TV-002 "Legislature", TV-003 "Right", TV-S-004 "Pasiva", TV-S-005 "Segunda", TV-S-006 "Fumar"	
Facility	
Personnel	922.27
Sub-total	3,320.00
	4,242.27
Audio Post Production	
Facility	
Personnel	637.04
	2,898.18
	3,535.22
Additional Post Production	
TV-007 "Waitress", TV-S-008 "Salud", TV-009 "Hotline"	
Facility	
	376.83
TOTAL DUE THIS INVOICE:	\$ 15,791.04

Please make check payable to: Pyramid Communications

PYRAMID

COMMUNICATIONS

INVOICE

ACS/Washington BREATHE
2120 1st Avenue North
Seattle, WA 98109

ATTN: Kevin Knox
cc: Dave Delvallee

Date: March 5, 2004

Invoice # 7621

Terms: Net 30 days

DESCRIPTION	AMOUNT
For Services Rendered: 12/01/03 - 02/29/04	
<u>Consulting fee</u>	\$ 26,250.00
<u>Costs</u>	
Copier/fax/postage	126.42
Fed Ex/Messenger (spots to stations for free media)	379.64
Phone	140.08
Press clipping service	343.89
Sub-total costs:	990.03
<u>January Press Conference</u>	
A/V rental	165.76
Supplies	43.03
Sub-total	208.79
<u>Printing/Materials Production</u>	
2nd printing of mailers (5,000)	3,252.90
Sub-total	3,252.90
TOTAL DUE THIS INVOICE:	\$ 30,701.72

17

Please make check payable to: Pyramid Communications

A finance charge of 1.5% per month will be added to the balance after 30 days.

EXHIBIT 12

1 of 15

01019

ELECTRONIC PAYMENT REQUEST FORM



RETURN CHECK TO REQUESTOR Provide Name & Address

☐ No Invoice/Receipt Required

☐ Remittance Required

Invoice Number

Invoice Date

Division

Vendor Number

Vendor Name

Address Ln 1

Address Ln 2

City

7790

11.30.03

5600

COPY

One Time Vendor

Pyramid Communications

1932 First Ave, Suite 507

Seattle

State

WA

Zip Code

98101

Invoice Amount \$

30,579.87

1. ENTER LOCATIONS & ACTIVITIES AS CAPITAL LETTERS
2. Print out and forward per Division policy for approval
3. Print an original for each invoice
4. Vendor address not required if on invoice
5. Attach Payment Request Form Addit Coding Template if more than 9 lines of coding
6. Changes to template must be made by the Shared Service Center

Company

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Fund

TAARWJSSWA

Account

50400

Sub

NW

Div

DVAD

TAA

Seq

23,625.00

21.31

90.38

532.58

133.50

2,625.00

3,552.10

Amount

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Account

50400

50510

50610

51010

50700

50400

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01019

ELECTRONIC PAYMENT REQUEST FORM


☐ No Invoice/Receipt Required

☐ Remittance Required

COPY

RETURN CHECK TO REQUESTOR Provide Name & Address

Invoice Number

Invoice Date

Division

Vendor Number

Vendor Name

Address Ln 1

Address Ln 2

City

12.23.03

5600

Belo Marketing Solutions

333 Dexter Ave North

Seattle

State

WA

Zipcode

98109

Invoice Amount \$

50,000.00

Terms
Pay Immediate

1. ENTER LOCATIONS & ACTIVITIES AS CAPITAL LETTERS
2. Print out and forward per Division policy for approval
3. Print an original for each invoice
4. Vendor address not required if on invoice
5. Attach Payment Request Form Addtl Coding Template if more than 9 lines of coding
6. Charges to template must be made by the Shared Service Center

Company

1 5600

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Fund Account Sub

TAARWSSWA 51033

Serial

Ledger

NW

NW

NW

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Div

NW

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NW

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NW

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Activity

DVAD TAA

Seq

Amount

50,000.00

Comments For Check Stub

Washington BREATHE Alliance Campaign

Secondhand Smoke

Belo Marketing Solutions 12.23.03

Submitted by / Phone #:

Kevin Knox 206.674.4184

Approval:

Date:

12.29.03

Date:

01019

ELECTRONIC PAYMENT REQUEST FORM



RETURN CHECK TO REQUESTOR Provide Name & Address

☐ No Invoice/Receipt Required

☐ Remittance Required

Invoice Number

Invoice Date

Division

Vendor Number

Vendor Name

Address Ln 1

Address Ln 2

City

2.6.2004

5600

One Time Vendor

Belo Marketing Solutions

333 Dexter Ave North

Seattle

State

WA

ZipCode

98109

Invoice Amount \$

50,000.00

COPY

1. ENTER LOCATIONS & ACTIVITIES AS CAPITAL LETTERS
2. Print out and forward per Division policy for approval
3. Print an original for each invoice
4. Vendor address not required if on invoice
5. Attach Payment Request Form Add'l Coding Template if more than 9 lines of coding
6. Changes to template must be made by the Shared Service Center

Company	Fund	Account	Account	Sub
1 5600	TAASSWA	51033		
2 5600	1	51033		
3 5600	TAARWJSSWA	51033		
4 5600				
5 5600				
6 5600				
7 5600				
8 5600				
9 5600				

Fund	Account	Sub
TAASSWA	51033	
1	51033	
TAARWJSSWA	51033	

State	WA	ZipCode	98109	Invoice Amount \$	50,000.00
Activity	Div	Loc	Act	Seq	
NW	DVAD	TAA	02		30,000.00
NW	DVAD	TAA	02		10,000.00
NW	DVAD	TAA			10,000.00
NW					
NW					
NW					
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NW					
NW					

Comments For Check Stub

Washington BREATHE Alliance Campaign
Secondhand Smoke

BELO Marketing Solutions 2.6.04

Submitted by / Phone #:

Kevin Knox 206.674.4184

Approval:

Date:

2.24.2004

Date:

EXHIBIT 12 of 15

01019

Payment Request Form

☐ No Invoice Available (Lost/Missing receipt form attached)☐ Remittance Required☐ More coding on next page☒ Pay Immediate

Company

Vendor Number

Vendor Name

Address Ln 1

Address Ln 2

City

Invoice Number

Invoice Date

Remit to:

Pyramid Communications

1932 First Ave N

State

Seattle

7920

02/24/04


☐ Return Check to Requestor noted Below
☐ Overnight to Address Below

 Name
 Addr
 City

 St
 Zip

- Invoice Explanation / Divisions Use ONLY -

- Invoice Type -

Credit Invoice

Invoice Amount \$ 15,791.04

Strat

----- Account -----

----- Activity -----

----- Amount -----

Fund	Account	Sub
TAARWJSSWA	51230	
TAARWJSSWA	51220	
TAARWJSSWA	50510	
TAARWJSSWA	50400	
TAARWJSSWA	50700	
TAASSWA	50400	

Ledger	Div	Loc	Act	Seq	Category	Amount
NW	DVAD	TAA				888.57
NW	DVAD	TAA				811.43
NW	DVAD	TAA				6.62
NW	DVAD	TAA				6,100.00
NW	DVAD	TAA				40.00
NW	DVAD	TAA				7,944.42

Strategic Ledger

Comments

For Check Stub

Please limit comment above to 16 characters or less

Prepared By:

Date:

Approval 1:

Date:

Approval 2:

Date:

07079

ELECTRONIC PAYMENT REQUEST FORM



RETURN CHECK TO REQUESTOR Provide Name & Address

☐ No Invoice/Receipt Required

☐ Remittance Required

Invoice Number

Invoice Date

Division

Vendor Number

Vendor Name

Address Ln 1

Address Ln 2

City

7621

3.5.04

5600

One Time Vendor

Pyramid Communications

1932 First Ave, Suite 507

Seattle

State

WA

Zipcode

98101

Invoice Amount \$

30,701.72

1. ENTER LOCATIONS & ACTIVITIES AS CAPITAL LETTERS

2. Print out and forward per Division policy for approval

3. Print an original for each Invoice

4. Vendor address not required if on Invoice

5. Attach Payment Request Form Add'l Coding Template if more than 9 lines of coding

6. Changes to template must be made by the Shared Service Center

Company

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Fund Account Sub

1 50400

TAARWJSSWA 50510

TAARWJSSWA 50610

TAARWJSSWA 51010

TAARWJSSWA 50700

TAASSWA 51010

TAASSWA 51010

State Div Loc Act Seq

NW DVAD TAA 02

NW DVAD TAA

NW DVAD TAA

NW DVAD TAA

NW DVAD TAA

NW DVAD TAA

NW DVAD TAA 02

NW

NW

Amount

26,250.00

126.42

140.08

343.89

379.64

208.79

3,252.90

Comments For Check Stub

Contract- Washington BREATHE Alliance

Pyramid 3.5.04

Submitted by / Phone #:

Kevin Knox/ 206.674.4184

Approval:

Date:

3.15.04

Date:

EXHIBIT 12 of 15

1-9-02

In reference to the Electronic Payment Request Form codes please use the following table for Account Fund reference. Three basic fund accounts are used for the Washington BREATHE account, two are unrestricted in nature and one is restricted. The restricted fund is for RWJF grant fund spending. The two unrestricted fund accounts are funds raised from contributing coalition members including American Cancer Society, American Heart Association, WAPIFASA, Center for MultiCultural Health and the American Lung Association of Washington.

ACCOUNTING FUND CODE			
	TAARWJSSWA	TAASSWA	1
Unrestricted		X	X
Restricted	X		

EXHIBIT ¹²
15 of 15

Tony Perkins

From: Kevin.Knox@cancer.org
Sent: Tuesday, August 10, 2004 10:06 AM
To: Tony Perkins
Subject: Re: Investigation in PDC Case #04-446, WA BREATHE Alliance

Mr. Perkins,

Please find answers to you questions regarding the Washington BREATHE Alliance Investigation.

1. Grove Insight poll on banning smoking in certain public places- To clarify, was the poll in question paid for by the American Cancer Society?

The poll was in part paid for by funds from RWJF and in part by BREATHE Alliance partner organizations. Approximately \$3,050 was paid to Grove Insight from unrestricted dollars, contributed to by the American Lung Association of Washington and the American Heart Association. The other portion of the poll was paid for by restricted grant dollars. Most of the poll was not used publicly and only utilized internally for message development.

2. BREATHE Alliance monetary payments to the American Cancer Society. Please identify the members who made these monetary payments, and state the amount of each payment made specifically for a call to action.

Payments made by the partner organizations of the BREATHE Alliance included: American Lung Association of Washington \$15,000, American Heart Association \$17,000. Payments were made to support grassroots and direct lobby efforts.

Grassroots efforts:

- printing- brochure (\$6,804)
- consultant/public relations fees -Pyramid

Communications- (\$7,956)

- Television ad production and placement costs (\$7,944)
- Postage fees (\$500)
- travel expenses (\$1092)
- web hosting/ASP fees (\$806)

3. American Cancer Society's grassroots lobbying activity:

- Advertising, segregated by media - TV - \$31,500 (placement)
- \$8,775 (development)
- Contributions \$0
- Entertainment, including food and refreshments - \$0
- Office expenses (including rent and the salaries and wages paid for staff and secretarial assistance) \$3,433
- Consultants - \$7,956 - Pyramid Communications
- Printing and mailing expenses - \$ \$10,604 - brochures (trifold, postcards, clean indoor air white paper), postage fees and return mail fees.

If you have further questions I would be happy to answer them. Please feel free to call me any time.

Kevin Knox

American Cancer Society
2120 1st Ave N
Seattle, WA 98109

v 206.674.4184
f 206-285-3469

"Tony Perkins"
<tperkins@pdc.wa.gov
>

To: <kevin.knox@cancer.org>
CC:
Subject: Investigation in PDC Case #04-446,

WA BREATHE

07/30/2004 05:24 PM

Alliance

Dear Kevin,

I'm continuing my work on the investigation of the complaint filed against the Washington BREATHE Alliance, and I had a few clarifying questions to which I hoped you could respond in writing.

This afternoon, I spoke with Michael O'Sullivan regarding his direct lobbying efforts on behalf of the American Cancer Society, and it was that conversation that prompted my first question:

1. Michael O'Sullivan and I discussed the public opinion poll, conducted by Grove Insight and released on February 22, 2003, regarding legislative proposals to ban smoking in certain public places. Mr. O'Sullivan stated that he may have been aware during the 2003 session that the poll had been conducted, but he was not specifically aware whether it was sponsored by the American Cancer Society. He stated that you were the ACS staff member normally responsible for such expenditures, and you did not give him any details about the sponsorship or payment for that opinion poll. To clarify, was the poll in question paid for by the American Cancer Society? If it was partially paid or completely paid for by another entity, please identify the party or parties who paid for it.
2. Following my interview with you on July 1, 2004, it is my understanding that the member organizations of the BREATHE Alliance made monetary payments to the American Cancer Society, which ACS used in paying for television advertisements featuring a call to action, and other examples of grass roots lobbying. Is this correct? If so, please identify the members who made these monetary payments, and state the amount of each payment made specifically for a call to action (as opposed to public education about the dangers of cigarette smoke, or efforts to directly lobby the legislature or state agencies).

3. Finally, to establish the clearest record possible of the American Cancer Society's grassroots lobbying activity (as opposed to its direct lobbying efforts, or public education efforts concerning the dangers of smoking), please state the amount that ACS has spent directly on calls to action (i.e., "call your legislator"), broken down by the following categories:

Advertising, segregated by media
Contributions
Entertainment, including food and refreshments
Office expenses (including rent and the salaries and wages paid for staff and secretarial assistance)
Consultants
Printing and mailing expenses

Exclude from the listing above any expenditure not involving a call to action in support of or opposition to Washington state laws or rules. Include all grassroots lobbying expenditures that were funded through monetary payments from WA BREATHE member organizations, but for which final payment was made by the American Cancer Society. If any listed expenditure was made prior to January 1, 2004, please state the date of that expenditure.

Based on your response, I may contact Dave Delvallee and direct him to amend the L-6 reports that are currently on file with the PDC. In any case, as I've stated above, your response will allow me to state as clearly as possible in my report of investigation the grass roots lobbying activity that was sponsored by ACS.

Feel free to respond to these questions by email. If you need any clarification about what reportable grass roots lobbying consists of, please don't hesitate to contact me before drafting your response. Thanks very much for your continued help with this investigation.

Sincerely,

Tony Perkins
Political Finance Specialist, PDC
(360) 586-1042

Tony Perkins

From: Kevin.Knox@cancer.org
Sent: Tuesday, August 10, 2004 3:50 PM
To: Tony Perkins
Subject: RE: Investigation in PDC Case #04-446, WA BREATHE Alliance

Mr. Perkins,

Please find answers below to the follow-up questions posed to the Washington BREATHE Alliance and the American Cancer Society PDC case.

1. Regarding the poll conducted by Grove Insight, what dollar amount for this poll was sponsored by the American Lung Association? What dollar amount was sponsored by the American Heart Association? What dollar amount was sponsored through restricted RWJF grant dollars? Was any part of this poll sponsored by the American Cancer Society? If so, what dollar amount? Was total payment to Grove Insight for this poll made through a check from the American Cancer Society? If not, how was payment made?

The poll was paid for through two checks from the American Cancer Society. The amount paid by RWJF funds was \$9,150 (check 1). The balance of the poll was paid for from an account that included funds from ALAW, AHA and ACS (check 2). I can not tell you exactly how much each organization paid for as the funds were not designated that way and came out of an unrestricted account including contributions from all three organizations.

2. Regarding the \$15,000 payment to ACS from the American Lung Association, and the \$17,000 payment to ACS from the American Heart Association, what dollar amount of these payments was used for direct lobbying (as oppose to grassroots lobbying)?

Some funds paid to ACS by the above organizations were set aside for direct lobbying expenses including consultant fees, direct lobby material production, advertising production and placement. However no expenses related to those funds received from the American Lung Association of Washington or the American Heart Association are attributable to PDC direct lobby expense report requirements.

3. In my email of July 30, 2004, I asked you to identify by date any expenditure made prior to January 1, 2004, for grassroots lobbying. Can you confirm that none of the grassroots lobbying expenditures listed in your email of this morning were made prior to January 1, 2004, and that there are no grassroots lobbying expenditures prior to January 1, 2004 which have yet to be reported?

The poll was paid for in March 2003 however we did not report expenses on it during the 2003 calendar year. All of the Washington BREATHE expenses related to lobbying were direct lobby related. None of the other grassroots lobby expenditures listed in my e-mail to you previously were made before January 1, 2004.

American Cancer Society
2120 1st Ave N
Seattle, WA 98109

v 206.674.4184
f 206-285-3469

"Tony Perkins"
<tperkins@pdc.wa.gov
>

To: <Kevin.Knox@cancer.org>
cc:
Subject:RE: Investigation in PDC Case #

04-446, WA BREATHE

08/10/2004 12:07 PM

Alliance

Dear Kevin,

Thanks for your thorough response. I do have a few clarifying questions:

1. Regarding the poll conducted by Grove Insight, what dollar amount for this poll was sponsored by the American Lung Association? What dollar amount was sponsored by the American Heart Association? What dollar amount was sponsored through restricted RWJF grant dollars? Was any part of this poll sponsored by the American Cancer Society? If so, what dollar amount? Was total payment to Grove Insight for this poll made through a check from the American Cancer Society? If not, how was payment made?
2. Regarding the \$15,000 payment to ACS from the American Lung Association, and the \$17,000 payment to ACS from the American Heart Association, what dollar amount of these payments was used for direct lobbying (as oppose to grassroots lobbying)?
3. In my email of July 30, 2004, I asked you to identify by date any expenditure made prior to January 1, 2004, for grassroots lobbying. Can you confirm that none of the grassroots lobbying expenditures listed in your email of this morning were made prior to January 1, 2004, and that there are no grassroots lobbying expenditures prior to January 1, 2004 which have yet to be reported?

Thanks in advance for the additional information. Please let me know if any of the above questions aren't clear.

Sincerely,

Tony Perkins
Political Finance Specialist, PDC
(360) 586-1042

-----Original Message-----

From: Kevin.Knox@cancer.org [mailto:Kevin.Knox@cancer.org]
Sent: Tuesday, August 10, 2004 10:06 AM
To: Tony Perkins
Subject: Re: Investigation in PDC Case #04-446, WA BREATHE Alliance

Tony Perkins

From: David.Delvallee@cancer.org
Sent: Friday, February 11, 2005 3:21 PM
To: Tony Perkins
Subject: Re: FW: Investigation in PDC Case #04-446

Tony -

Per our telephone discussion this afternoon, I spoke with Kevin Knox about the questions. Responses in red/bold below. Please let me know if you need additional information.

Thanks

David Delvallee
Vice President - Government Relations
American Cancer Society, Great West Division, Inc.
2120 First Avenue, North
Seattle, Washington 98109
[t] 206.674-4177 (direct)
[f] 206.285.3469
<http://www.cancer.org/takeaction>

"Tony Perkins"
<tperkins@pdc.wa.gov
>

To: <David.Delvallee@cancer.org>
cc:
Subject:FW: Investigation in PDC Case #

04-446

02/09/2005 05:27 PM

Dear Mr. Delvallee,

Yesterday, I sent an email containing a few final questions in the above-referenced case to Kevin Knox, Project Director for the BREATHE Alliance. I sense that it is possible that Kevin is no longer working for the American Cancer Society, and may not receive my email.

If I am correct, could you review my questions and provide a response in a reply to this email? If there is another representative of the American Cancer Society who is better positioned to answer my questions, please direct this email to his or her attention.

In any case, if you could respond to this email to let me know who will respond to my questions, and when a response can be furnished, I would greatly appreciate it. Please let me know if you have any questions about what I'm looking for, or about the PDC's investigative process. Thanks.

Sincerely,

Tony Perkins
Political Finance Specialist, PDC
(360) 586-1042

From: Tony Perkins
Sent: Tuesday, February 08, 2005 5:38 PM
To: 'Kevin.Knox@cancer.org'
Subject: Investigation in PDC Case #04-446

Dear Kevin,

I attempted to reach you by telephone today, but it appears that I have an outdated number. The PDC's directors have finished their review of my report of investigation in PDC case #04-446, and have asked me to seek additional information from you on one point.

In the interview I conducted with you on July 1, 2004, you stated that as BREATHE project director, you did not coordinate the grass roots lobbying activity undertaken by member organizations other than the American Cancer Society; instead, you stated that each member organization coordinated its own activity, and that this activity happened to align with the goals of the BREATHE Alliance simply because of the missions of the member groups. When asked whether the member groups communicated anything to you about their grass roots lobbying activity, you stated the following:

"Well we communicate with each other within the coalition or the alliance. You know, we meet regularly, we talk about the educational activities that we undertake, we talk about grass roots lobbying activities that everybody does and also the direct lobbying activities."

To help me better understand the relationship between the member groups of BREATHE, please reply to this email with responses to the following questions:

1. At the meetings you described, did representatives of BREATHE member groups share specific details of their current and future grassroots and direct lobbying activity? Organizing strategies (getting people to sign volunteer or other types of grassroots recruitment documents) were discussed. Specific lobbying activities would be discussed in an exchange of information, but these were not strategic planning sessions related to any legislative campaign.

If so, what specific kinds of details were shared? An example would be field staff members attending a county fair and asking people to write their story about how tobacco has negatively impacted their lives. Field staff would report back on numbers of individuals reached, etc.

What was the purpose of sharing these details? To be able to capture information about where we the coalition was making a difference in its community education campaign about the dangers of secondhand smoke.

2. How often did these meetings occur? Primarily held monthly, though some months were cancelled because of scheduling difficulties and holidays.

How many such meetings were held? On what dates (or during what

EXHIBIT 15
2 of 3

range of dates) were the meetings held? It's estimated that there were 20 of these monthly meetings over the course of the two year grant period.

Where did the meetings occur? Meeting location rotated among the member agencies.

In general terms, who represented the member groups at the meetings? Field staff hired through the grant, program directors, or state advocacy managers (also attending were staff hired by the fiscal agent through the BREATHE grant).

3. Is there anything else about the nature and purpose of the meetings, not discussed in the above questions, which you can share to help the PDC in our investigation? Some representatives of the organization attended in their capacity as an advocacy manager who were also licensed as a lobbyist with the state. Their attendance was a separate role from their direct lobby responsibilities.

If possible, please reply to the above questions in the next day; if it will not be possible to respond this soon, please just fire off a reply to let me know the date by which you'll be able to answer my questions. Once I have your responses regarding the meetings described above, I believe I will be able to finalize my report and end the investigative phase of this complaint. If you have any questions about what I'm looking for, please don't hesitate to contact me at the number below. Thanks very much for your continued cooperation.

Sincerely,

Tony Perkins
Political Finance Specialist, PDC
(360) 586-1042

EXHIBIT 15

3 of 3



PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

GRASS ROOTS
LOBBYING

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC

JUL 8 2004

Sponsor's name

American Cancer Society - Great West Division

Address

2120 First Avenue North

City

Seattle

State

Washington

Zip

98109

Telephone

(206) 674-4177

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

I-890: Workplace Clean Indoor Air Initiative

2. This report covers:

☒ Registration
(Initial report)

☒ Monthly report
From 6/1/04 To 6/30/04

☒ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME

TITLE

ADDRESS

Breathe Easy
Washington

POB 11324

Tacoma, WA 98411-0324

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS

OCCUPATION OR BUSINESS

TERMS OF COMPENSATION

Scott Peterson

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)

\$ 0.00

2. Expenses this reporting period:

\$

A. Radio

B. Television

C. Newspapers, magazines

D. Brochures, signs

E. Printing and mailing

F. Consultants, public relations

G. Office expense, travel, salaries

2,336.76

IN-KIND EXPENSES

H. Contributions

I. Entertainment

J. Other expenses

3. Total expenditures this period (lines 2a-2j)

\$ 2,336.76

4. Total expenditures in the campaign (lines 1 + 3)

\$ 2,336.76

Continue On Reverse

EXHIBIT

1 of 2

JUNE 1-30, 2004

BREATH EASY WASHINGTON

AMOUNT[illegible]

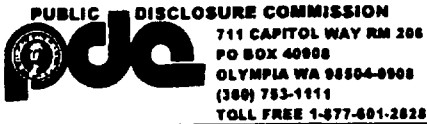
List Total Amount From Any Attached Pages	\$ 0
Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed	0
Total Contributions This Period.....	2,336.76
Total Contributions During The Campaign	2336.76

CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature Daney Dubelle

7/8/04

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828



Employer of Lobbyist Monthly Political Contribution Report

L-3C
1/02

THIS SPACE FOR OFFICE USE

DATE FILED PDC
OCT 15 2004

Employer's Name (Use complete company, association, union or entity name.)

AMERICAN CANCER SOCIETY, GREAT WEST DIVISION

Mailing Address

2120 FIRST AVENUE NORTH

City

SEATTLE

State

WASHINGTON

Zip

98109

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

What Must Be Reported: Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

Date of Contribution	Name and Address of Recipient	Description of Contribution*	Amount or Value*
6-1-04 to 6-30-04	BREATHE EASY WASHINGTON POB 11324 TACOMA, WA 98411	IN-KIND OFFICE EXPENSE, TRAVEL, SALARIES.	\$ 2336.76

*See next page for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf

Signature

Date

DAVID DEWALLER, VP GOVERNMENT RELATIONS

[Signature]

10-14-04

EXHIBIT 17

1 of 1



PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

GRASS ROOTS
LOBBYING

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC

APR 13 2004

Sponsor's name American Heart Association
Address 710 2nd Ave, Suite 900
City Seattle State WA Zip 98104 Telephone (206) 632-6901

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Support of HB 1060/SB 5791

2. This report covers:

- ☐ Registration
(Initial report)
☐ Monthly report
From _____ To _____
☒ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
JIM WILGUS	Executive Vice President	710 2nd Ave, Suite 900 Seattle, WA 98104

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS (LPC Inc.)	TERMS OF COMPENSATION
① Leigh Tate 833 17th Ave, NW Seattle, 98117	GRASSROOTS CONSULTING SERVICES	\$ 14,750.00
② ACS Teleservice Center - 1755 Abbey Rd. East Lansing, Michigan 48823		\$ 1,669.10
③ Landmark Strategies - 4225 Brandon Ave., Suite 305, Springfield, VA 22150		\$ 7,026.00
④ Labels & Lists, Inc - 2500 116th Ave, NE, Bellevue, WA 98004		\$ 361.37

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)

\$ 0

2. Expenses this reporting period:

\$ 23,814.47

A. Radio

B. Television

C. Newspapers, magazines

D. Brochures, signs

E. Printing and mailing

F. Consultants, public relations

G. Office expense, travel, salaries

H. Contributions

I. Entertainment

J. Other expenses (patch through calls)

\$ 23,814.47

3. Total expenditures this period (lines 2a-2j)

\$ 23,814.47

4. Total expenditures in the campaign (lines 1 + 3)

\$ 23,814.47

Continue On Next Page

EXHIBIT

1 of 2

This report covers:
Final Report.

[illegible]

List Total Amount From Any Attached Pages	\$ 23,914.47
Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed	_____
Total Contributions This Period	_____
Total Contributions During The Campaign	23,914.47

Name and title	Signature	Date
Ernest Prohman, NW Regional Director of	Ernest Prohman	4/10/04

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:

Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

EXHIBIT

2 of 2

Pacific/Mountain Affiliate
710 2nd Avenue, Suite 900
Seattle, Washington 98104-1742
Tel 206.632.6881
Toll Free 1.800.562.6718
Fax 206.632.8478
americanheart.org

TO: The Public Disclosure Commission
FROM: American Heart Association
RE: L6 Form filed on April 14, 2004

The information below was requested by Tony Perkins in order to complete the investigation into BREATHE.

DATE FILED PDC

SEP 7 - 2004

The amount and dates of expenses incurred by the American Heart Association on the L6 Form are as follows:

1/19/04: \$4,750.00 for Grassroots Consulting Services;
2/4/04: \$369.37 for list development;
2/4/04: \$7,026.00 for patch through calls (call to action);
3/5/04: \$1,669.10 for patch through calls (call to action);
3/8/04: \$5,000 for Grassroots Consulting Services; and
4/5/04: \$5,000 for Grassroots Consulting Services.

RECEIVED

SEP 8 - 2004

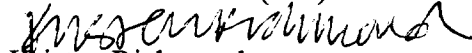
Public Disclosure Commission

We may have reported expenses that were not defined as a "call to action", but prefer to err on the side of over-reporting rather than under-reporting.

Originally based on earlier conversations with Public Disclosure Commission staff, we thought that we could report these expenses either on our annual L3 Employer's Form or on an L6 Form. After some thought, we decided that these expenses met the L6 requirements. It was the initial thought that we could include these expenses on the L3 Form that led to the delay in filing our expenses.

In addition, we contributed \$15,000 to BREATHE as a matching grant. This funding was to be available for unrestricted purposes (lobbying). As this was a grant to BREATHE, it was upon them to record how the money was spent. Again, BREATHE had discretion in spending the money.

If you have other questions regarding these expenses, please let me know. I can be reached at (206) 834-8628.


Kristen Richmond

NW Regional Director of Advocacy
American Heart Association
Pacific/Mountain Affiliate

EXHIBIT ¹⁹

1 of 1

**Employer of Lobbyist Monthly
Political Contribution Report**

L-3C

1/02

THIS SPACE FOR OFFICE USE

Employer's Name (Use complete company, association, union or entity name.)

American Heart Association

Mailing Address

710 2nd Ave. Suite 900

City

Seattle

State

WA

Zip

98104

DATE FILED PDC

OCT 5 - 2004

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

What Must Be Reported: Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

Date of Contribution	Name and Address of Recipient	Description of Contribution*	Amount or Value*
June	<i>I-810 Breathe Easy campaign</i>	<i>in-kind staff time</i>	<i>\$ 1760.00</i>
July	<i>I-810 Breathe Easy campaign - Scott Peterson is the contact - 360-413-9300</i>	<i>in-kind staff time</i>	<i>1760.00</i>
			<i>TOTAL</i> <i>\$3520.00</i>

*See next page for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf

Signature

Date

*KRISTEN RICHMOND, NW Regional Director
of Advocacy*

Kristen Richmond

10/5/04

EXHIBIT 20
1 of 1

**PUBLIC DISCLOSURE COMMISSION**

711 CAPITOL WAY RM 208
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-801-2828

**GRASS ROOTS
LOBBYING**

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC

JUL 20 2004

Sponsor's name American Lung Association of Washington
Address 2625 Third Ave.
City Seattle State WA Zip 98121 Telephone (206) 441-5100

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Initiative 890--Secondhand smoke in the workplace/public places

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
Darlene Madenwald	Board President	2625 Third Ave, Seattle, WA 98121
Kim Field	Board Vice President	2625 Third Ave, Seattle, WA 98121
Marina Cofer-Wildsmith	Chief Executive Officer	2625 Third Ave, Seattle, WA 98121

2. This report covers:

- ☐ Registration
(Initial report)
☐ Monthly report
From To
☒ Final report
(Campaign is ended)

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION
Patty Carlson PO Box 11324 Tacoma, WA 98109	unknown	unknown

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)		\$ 0.00
2. Expenses this reporting period:		
A. Radio		
B. Television		
C. Newspapers, magazines		
D. Brochures, signs		
E. Printing and mailing	237.27	
F. Consultants, public relations		
G. Office expense, travel, salaries	2160.11	
H. Contributions		
I. Entertainment		
J. Other expenses	275.00	
3. Total expenditures this period (lines 2a-2j)		\$ 2,672.38
4. Total expenditures in the campaign (lines 1 + 3)		\$ 2,672.38

Continue On Next Page

EXHIBIT

21

1 of 3

JUL 20 2004 L-6

Page 2

Sponsor's name American Lung Association of Washington

This report covers: **Final**

6. Contributions:

List each person or organization who has contributed \$25 or more during this report period

[illegible]

List Total Amount From Any Attached Pages.....	\$ 0.00
Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed.....	0.00
Total Contributions This Period.....	0.00
Total Contributions During The Campaign.....	0.00

CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Name and title

Signature

Date _____

Anthony J. Peterson, Chief Financial Officer

Signature Anthony J. Peterson

7-20-04

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:

Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

EXHIBIT ²¹
of ³

JUL 20 2004

L-6

Sponsor's name

American Lung Association of Washington

This report covers:

Final

6. Contributions (cont):

[illegible]

EXHIBIT ²¹

3 of 3

Main Office
2625 Third Ave.
Seattle, WA 98121
(206) 441-5100
(800) 732-9339
Fax: (206) 441-3277
alaw@alaw.org

**Western
Washington Region**
223 Tacoma Ave. S.
Tacoma, WA 98402
(253) 272-8777
Fax: (253) 593-8827
lnoren@alaw.org

**Central
Washington Region**
110 S. 9th Avenue
Yakima, WA 98902
(509) 248-4384
Fax: (509) 248-4943
lbenoit@alaw.org

**Eastern
Washington Region**
1817 E. Springfield, Suite E
Spokane, WA 99202
(509) 325-6516
Fax: (509) 323-5380
cthompson@alaw.org

www.alaw.org

Darlene Madenwald
President

Kim Field, R.N.
Vice-President

Richard Martinez
Secretary

Jill Scheuermann
Treasurer

Leonard Hudson, M.D.
Past-President

Marina Cofer-Wildsmith
Chief Executive Officer

**Improving Life,
One Breath
at a Time**

We bring people
and resources
together to fight
tobacco use, bad air
and the asthma
epidemic.



DATE FILED PDC

AUG 25 2004

August 19, 2004

RECEIVED

AUG 26 2004

Public Disclosure Commission

Mr. Tony Perkins
Public Disclosure Commission
711 Capitol Way Rm. 206
P.O. Box 40908
Olympia, WA 98504

Mr. Perkins, (TP)

Regarding our phone conversation about proper disclosure filings, please see the following forms intended to correct our disclosure filings.

I appreciate your help with these forms. The staff member who had originally entered into the BREATHE grant left our employ at the end of May, 2003 after securing the grant for our 2003/2004 fiscal year. Unfortunately, she was our in-house expert on lobbying activities and disclosures.

The nature of the grant was different this fiscal year—it was much more focused on grassroots lobbying efforts around secondhand smoke legislation. This was new territory for us. Because grassroots lobbying efforts have always been an insignificant part of our work here at the American Lung Association of Washington, we were unfamiliar and unaware of the correct disclosure filings. With your help, I hope to increase my knowledge in these areas to ensure our future compliance.

We had one employee doing the bulk of the BREATHE work, including the grassroots lobbying efforts. She was a registered lobbyist and to my knowledge filed her disclosures as required. We were reimbursed for all of her expenses and the bulk of her salary/benefits as conditions for the grant.

In addition, we were required to contribute \$15,000 to BREATHE to help in their efforts. Prior to mailing this check, we requested from the American Cancer Society an accounting of how the various BREATHE partner contributions were spent. They showed us that our

EXHIBIT

1 of 16 22

contributions went to add increased direct lobbying efforts and pay for patch-through calling to support the secondhand smoke legislation.

I discussed with Carrie Nyssen, our BREATHE grant employee, the nature of the September 11, 2003 meeting at the Doubletree that you had mentioned. She informed me that she felt there was significant "Call to Action" information shared, and that it would be wise to include expenses for this meeting in our L-6 filing. The American Lung Association of Washington's involvement with this meeting was limited, however, and the expenses were few. It was attended by only two staff members who incurred travel expenses. Carrie also provided some refreshments for the meeting.

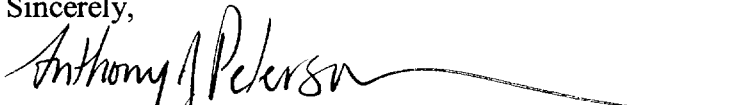
Regarding other "Call to Action" expenses for the year, the only expenses we've incurred are salary expenses for the time staff has spent keeping our website updated and improving and using our Legislative Network (our e-mail call to action system, LegNet).

I have created monthly forms for the active period of the legislative session and for the month of September when the Doubletree meeting took place. I've also moved the previously improperly disclosed 1890 contributions to L-3c reports. Please review these reports and let me know if they will satisfy disclosure requirements.

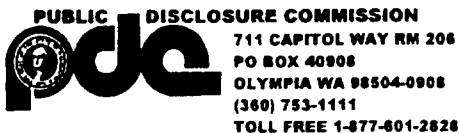
Now that I understand the reports themselves better and what the Public Disclosure Commission is looking for, our organization will keep better tabs of our grassroots lobbying efforts and file the forms timely and accurately when appropriate. I apologize for my ignorance and prior miss-filing and for any inconvenience it may have caused you.

Thanks so much for your help.

Sincerely,



Anthony J. Peterson
Chief Financial Officer



Employer of Lobbyist Monthly Political Contribution Report

L-3c
1/02

THIS SPACE FOR OFFICE USE

DATE FILED PDC
AUG 25 2004

Employer's Name (Use complete company, association, union or entity name.)

American Lung Association of Washington

Mailing Address

2625 Third Ave.

City

State

Zip

Seattle

WA

98121

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

What Must Be Reported: Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

Date of Contribution	Name and Address of Recipient	Description of Contribution*	Amount or Value*
March 04	I-890 Breathe Easy Washington c/o Patty Carlson	Staff Salaries	\$ 258.77
	P.O. Box 11324 Tacoma, WA 98411		

*See next page for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf

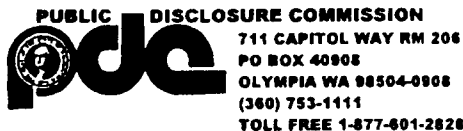
Signature

Date

Anthony J. Peterson, Chief Financial Officer

Anthony J. Peterson 8-18-04

EXHIBIT 22
3 of 16



Employer of Lobbyist Monthly Political Contribution Report

L-3c
1/02

THIS SPACE FOR OFFICE USE

DATE FILED PDC
AUG 25 2004

Employer's Name (Use complete company, association, union or entity name.)

American Lung Association of Washington

Mailing Address

2625 Third Ave.

City

State

Zip

Seattle

WA

98121

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

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When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

Date of Contribution	Name and Address of Recipient	Description of Contribution*	Amount or Value*
April 04	1890-Breathe Easy Washington c/o Patty Carlson	Postage	\$ 5.35
April 04	1890-Breathe Easy Washington c/o Patty Carlson	Staff Salaries	\$199.78
	PO Box 11324 Tacoma, WA 98411		

*See next page for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf

Signature

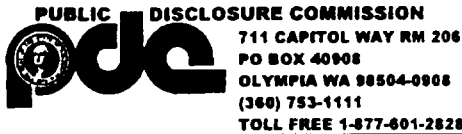
Date

Anthony J. Peterson, Chief Financial Officer

Anthony J. Peterson

8-18-2004

EXHIBIT ²²
4 of 16



Employer of Lobbyist Monthly Political Contribution Report

L-3c
1/02

THIS SPACE FOR OFFICE USE

DATE FILED PDC
AUG 25 2004

Employer's Name (Use complete company, association, union or entity name.)

American Lung Association of Washington

Mailing Address

2625 Third Ave.

City

Seattle

State

WA

Zip

98121

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

What Must Be Reported: Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

Date of Contribution	Name and Address of Recipient	Description of Contribution*	Amount or Value*
May 04	I-890 Breathe Easy Washington c/o Patty Carlson	Postage	\$ 124.73
May 04	I-890 Breathe Easy Washington c/o Patty Carlson	Staff Salaries	\$661.67
	P.O. Box 11324 Tacoma, WA 98411		

*See next page for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf

Signature

Date

Anthony J. Peterson, Chief Financial Officer

Anthony J. Peterson

8-18-04

EXHIBIT 22

5 of 16

Employer of Lobbyist Monthly Political Contribution Report

L-3C
1/02

THIS SPACE FOR OFFICE USE

DATE FILED PDI
AUG 25 2006

Employer's Name (Use complete company, association, union or entity name.)

American Lung Association of Washington

Mailing Address

2625 Third Ave.

City

Seattle

State

WA

Zip

98121

Who Must File Report: Employers of lobbyists registered in Washington State making one or more contributions, including in-kind contributions, during one calendar month totaling more than \$100 to a candidate for state or local office, an elected state or local official, an officer or employee of any public agency, or a political committee. *Employer contributions made through and reported by a registered lobbyist or an employer-affiliated PAC are not reportable on an L-3c*

What Must Be Reported: Contributions, including a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, or transfer of anything of value, including personal and professional services for less than full consideration. Contributions to campaign accounts and public office fund accounts are reportable.

When Is The Report Filed: Within 15 days after the last day of each calendar month during which reportable contributions were made. Reports are considered filed as of the post mark or hand-delivery date to PDC.

Itemize contributions that alone, or together with other contributions to the same recipient, total over \$100 during the calendar month specified above. If space provided is insufficient, use additional L-3c forms or 8 1/2" x 11" white paper.

Date of Contribution	Name and Address of Recipient	Description of Contribution*	Amount or Value*
June 04	I-890 Breathe Easy Washington c/o Patty Carlson	Postage	\$ 107.19
June 04	I-890 Breathe Easy Washington c/o Patty Carlson	Signature Gathering Incentives	\$275.00
June 04	I-890 Breathe Easy Washington c/o Patty Carlson	Staff Salaries	\$1,039.88
	P.O. Box 11324 Tacoma, WA 98411		

*See next page for details.

Certification: I certify that the information contained herein is true and complete to the best of my knowledge.

Name and title of person authorized to sign on employer's behalf

Signature

Date

Anthony J. Peterson, Chief Financial Officer

Anthony J. Peterson

8-18-04

EXHIBIT 22
6 of 16



PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

GRASS ROOTS
LOBBYING

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC

AUG 25 2004

Sponsor's name

American Lung Association of Washington
Address

2625 Third Ave.
City Seattle State WA Zip 98121 Telephone (206) 4415100

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Secondhand smoke--smoke free workplaces

2. This report covers:

☐ Registration
(Initial report)

☒ Monthly report

From 9/1/03 to 9/30/03

☐ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
Darlene Madenwald	Board President	2625 Third Ave, Seattle, WA 98121
Kim Field	Board Vice President	2625 Third Ave, Seattle, WA 98121
Marina Cofer-Wildsmith	Chief Executive Off.	2625 Third Ave, Seattle, WA 98121

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS

OCCUPATION OR BUSINESS

TERMS OF COMPENSATION

Washington Breathe
c/o American Cancer Society
2120 First Ave. N
Seattle, WA 98109

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report) \$ 0.00

2. Expenses this reporting period:

A. Radio

B. Television

C. Newspapers, magazines

D. Brochures, signs

E. Printing and mailing

F. Consultants, public relations

G. Office expense, travel, salaries

H. Contributions

I. Entertainment

J. Other expenses

\$

\$330.94

\$3.98

3. Total expenditures this period (lines 2a-2j) \$ 334.92

4. Total expenditures in the campaign (lines 1 + 3) \$ 334.92

Continue On Next Page

EXHIBIT 22
7 of 16

Sponsor's name

American Lung Association of Washington

This report covers:

9-1-03 to 9-30-03

6. Contributions:

List each person or organization who has contributed \$25 or more during this report period

[illegible]

List Total Amount From Any Attached Pages.....	\$ 0.00
Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed.....	0.00
Total Contributions This Period.....	0.00
Total Contributions During The Campaign.....	0.00

CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Name and title

Anthony J. Peterson, Chief Financial Officer

Signature

Anthony J. Peterson

Date _____

8-18-04

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:

Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828



PUBLIC DISCLOSURE COMMISSION
711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

GRASS ROOTS LOBBYING

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
AUG 25 2004

Sponsor's name

American Lung Association of Washington
Address

2625 Third Ave.
City Seattle State WA Zip 98121 Telephone (206) 4415100

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Secondhand smoke--smoke free workplaces

2. This report covers:

☐ Registration
(Initial report)

☒ Monthly report
From 1/1/04 to 1/31/04

☐ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
Darlene Madenwald	Board President	2625 Third Ave, Seattle, WA 98121
Kim Field	Board Vice President	2625 Third Ave, Seattle, WA 98121
Marina Cofer-Wildsmith	Chief Executive Off.	2625 Third Ave, Seattle, WA 98121

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION
Washington Breathe c/o American Cancer Society 2120 First Ave. N Seattle, WA 98109		

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)		\$ 334.92
2. Expenses this reporting period:	\$	
A. Radio		
B. Television		
C. Newspapers, magazines		
D. Brochures, signs		
E. Printing and mailing		
F. Consultants, public relations		
G. Office expense, travel, salaries	\$282.18	
H. Contributions		
I. Entertainment		
J. Other expenses		
3. Total expenditures this period (lines 2a-2j)		\$ 282.18
4. Total expenditures in the campaign (lines 1 + 3)		\$ 617.10

Continue On Next Page

EXHIBIT 22

9 of 16

List each person or organization who has contributed \$25 or more during this report period

EXHIBIT ²⁷
10 of 16

**GRASS ROOTS
LOBBYING**

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
AUG 25 2004

Sponsor's name

American Lung Association of Washington

Address
2625 Third Ave.
City Seattle

State WA

Zip 98121

Telephone
(206) 4415100

Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Secondhand smoke--smoke free workplaces

List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
Darlene Madenwald	Board President	2625 Third Ave, Seattle, WA 98121
Kim Field	Board Vice President	2625 Third Ave, Seattle, WA 98121
Marina Cofer-Wildsmith	Chief Executive Off.	2625 Third Ave, Seattle, WA 98121

2. This report covers:

☐ Registration
(Initial report)

☒ Monthly report
From 2/1/04 to 2/29/04

☐ Final report
(Campaign is ended)

Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS

OCCUPATION OR BUSINESS

TERMS OF COMPENSATION

Washington Breathe
c/o American Cancer Society
2120 First Ave. N
Seattle, WA 98109

Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)

\$ 617.10

2. Expenses this reporting period:

\$

A. Radio

B. Television

C. Newspapers, magazines

D. Brochures, signs

E. Printing and mailing

F. Consultants, public relations

G. Office expense, travel, salaries

152.63

H. Contributions

I. Entertainment

J. Other expenses

3. Total expenditures this period (lines 2a-2j)

\$ 152.63

4. Total expenditures in the campaign (lines 1 + 3)

\$ 769.73

Continue On Next Page

EXHIBIT 22

11 of 16

EXHIBIT ²²
12 of 16



PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 206
PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

GRASS ROOTS
LOBBYING

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
AUG 25 2004

Sponsor's name

American Lung Association of Washington
Address

2625 Third Ave.
City Seattle State WA Zip 98121 Telephone (206) 4415100

1. Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Secondhand smoke--smoke free workplaces

2. This report covers:

☐ Registration
(Initial report)☒ Monthly reportFrom Mar 1 - Mar 31, 2004
☐ Final report
(Campaign is ended)

3. List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
Darlene Madenwald	Board President	2625 Third Ave, Seattle, WA 98121
Kim Field	Board Vice President	2625 Third Ave, Seattle, WA 98121
Marina Cofer-Wildsmith	Chief Executive Off.	2625 Third Ave, Seattle, WA 98121

4. Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION
Washington Breathe c/o American Cancer Society 2120 First Ave. N Seattle, WA 98109		

5. Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)		\$ 769.73
2. Expenses this reporting period:	\$	
A. Radio		
B. Television		
C. Newspapers, magazines		
D. Brochures, signs		
E. Printing and mailing		
F. Consultants, public relations		
G. Office expense, travel, salaries	\$80.94	
H. Contributions		
I. Entertainment		
J. Other expenses		
3. Total expenditures this period (lines 2a-2j)		\$80.94
4. Total expenditures in the campaign (lines 1 + 3)		\$850.67

Continue On Next Page

EXHIBIT 22

13 of 16

L-6

Sponsor's name

This report covers:

March 1, 2004, to Mar 31

6. Contributions:

List each person or organization who has contributed \$25 or more during this report period

[illegible]

List Total Amount From Any Attached Pages	\$ 0.00
Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed	
Total Contributions This Period	
Total Contributions During The Campaign	0.00

CERTIFICATION: I hereby certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Name and title

Anthony J. Peterson, Chief Financial Officer

Signature

Date _____

8-18-04

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

FILING DEADLINE: Within 30 days after becoming a sponsor of a grass roots lobbying campaign. Thereafter, sponsors file monthly reports on the 10th of the month covering the preceding calendar month. Termination notice is to accompany the final monthly report.

SEND REPORT TO:

Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

EXHIBIT 27

14 of 16

**GRASS ROOTS
LOBBYING**

PDC FORM

L-6

(1/02)

THIS SPACE FOR OFFICE USE

DATE FILED PDC
AUG 25 2004

Sponsor's name

American Lung Association of Washington
Address

2625 Third Ave.
City Seattle

State WA

Zip 98121

Telephone

(206) 4415100

Describe the topic(s) or legislation about which the campaign is conducted. Include bill, rule, rate, standard number, if any.

Secondhand smoke--smoke free workplaces

List the principal officers of the group or organization if the sponsor is a business, union, association, political organization or other entity.

NAME	TITLE	ADDRESS
Darlene Madenwald	Board President	2625 Third Ave, Seattle, WA 98121
Kim Field	Board Vice President	2625 Third Ave, Seattle, WA 98121
Marina Cofer-Wildsmith	Chief Executive Off.	2625 Third Ave, Seattle, WA 98121

2. This report covers:

☐ Registration
(Initial report)

☒ Monthly report

From 4/1/04 to 4/30/04

☒ Final report
(Campaign is ended)

Who is organizing or managing the campaign? List persons or firms hired to assist in the campaign, including public relations and advertising agents.

NAME AND ADDRESS	OCCUPATION OR BUSINESS	TERMS OF COMPENSATION
Washington Breathe c/o American Cancer Society 2120 First Ave. N Seattle, WA 98109		

Expenditures Made Or Incurred In The Campaign:

1. Previous expenditures (from line 4, last L-6 report)		\$ 850.67
2. Expenses this reporting period:	\$	
A. Radio		
B. Television		
C. Newspapers, magazines		
D. Brochures, signs		
E. Printing and mailing		
F. Consultants, public relations		
G. Office expense, travel, salaries	\$175.71	
H. Contributions		
I. Entertainment		
J. Other expenses		
3. Total expenditures this period (lines 2a-2j)		\$ 175.71
4. Total expenditures in the campaign (lines 1 + 3)		\$1026.38

Continue On Next Page

EXHIBIT 22
15 of 16

L-6

Sponsor's name

This report covers: 4/1/2004 to 4/30/2004

List each person or organization who has contributed \$25 or more during this report period

List Total Amount From Any Attached Pages	\$ 0.00
Total Amount Received In Contributions Less Than \$25 Where Contributor's Name Is Not Listed	_____
Total Contributions This Period	_____
Total Contributions During The Campaign	0.00

Name and title

Anthony J. Peterson, Chief Financial Officer

Signature

Date
8-18-04

WHO SHOULD FILE THIS FORM: Any person making grass roots lobbying expenditures not reported by a registered lobbyist, a candidate, or a political committee exceeding \$1,000 in the aggregate in any three month period or exceeding \$500 in the aggregate in any one month in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence state legislation.

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SEND REPORT TO:

Public Disclosure Commission
711 Capitol Way, Rm 206
PO Box 40908
Olympia, WA 98504-0908

QUESTIONS:

CALL (360) 753-1111, OR TOLL FREE 1-877-601-2828

16 EXHIBIT 22
of 16

Tony Perkins

From: Carrie Nyssen [cnyssen@ALAW.ORG]
Sent: Monday, October 25, 2004 8:47 AM
To: Tony Perkins
Subject: RE: PDC investigation of complaint filed against the WA BREATHE Alliance

Good morning Tony,

Thank you so much for your assistance and patience in answering my questions and providing clarification. I definately plan to meet with you at a later date once I've reviewed the manual you mentioned and have talked with staff to come up with specific ALAW activities that we are unclear on. You have been a great help.

Tony Peterson shared with me the document I provided him when you contacted him last summer. I had thought it was an actual meeting agenda, but it was a summary of notes I had taken throughout the planning process for the September 11, 2003 meeting. If you would like a copy of these notes, I'd be happy to send them to you.

There were several speakers and topics covered during the morning session. BREATHE partners and field staff welcomed the group and a moment of silence was shared in remembrance of 9.11.

Senator Rosemay McAuliffe and Representative Joe McDermott both spoke to the group. I remember Senator McAulliffe sharing with the group her personal investment of educating the public about secondhand smoke and protecting folks from secondhand smoke.

Victor Coleman from DOH presented on educating, advocating and lobbying. Specific definitions were provided to provide clarity to participants.

Michael Shaw provided a 2003 wrap up of the Legislative Session and specifically what happened to HB 1868 and SB 5791.

Michael Cuddy from Pyramid Communications provided a report on a poll conducted by BREATHE and gave participants an overview of the key messages that would likely be most effective and persuasive.

Prior to lunch, Nick Federici and Melanie Newman were scheduled to talk about Next Steps. I do not remember Melanie addressing the group.

I don't remember any meeting content happening during lunch.

After lunch, participants were invited to participate in a training by the Midwest Academy. Deb Maas was the facilitator/trainer for this session. The first half of this training was more or less a lecture on recruiting. Deb shared basic principles and successful steps to recruiting.

The second part of this training was role playing. I remember Deb asking the group to each write down a scenario of recruiting an unlikely ally to join your coalition. Two particular scenarios I recall being acted out was 1) a citizen approaching a city councilperson about keeping public entrances smokefree and 2) a smokefree advocate meeting the head of the Hospital Association to endorse and embrace smokefree efforts.

During my conversation with Tony Peterson this summer, I believed a call to action was engaging folks to join in and actively participate in the efforts we had begun around secondhand smoke. With this definition in my head, I would have considered the Next Steps part of the meeting a call to action as we were rallying participants and encouraging them to work with us and build our network of concerned residents.

After my discussions with you, I would now define a call to action as a specific request for folks to contact their state legislators and asking support for, or a vote against a specific piece of legislation. I do not remember this happening during the morning part of the meeting. And in the group that I was working with during the afternoon session, I do not remember any role play with a state legislator.

I hope this is helpful. Feel free to contact me if you have additional questions.
Carrie Nyssen
(360) 883-3535

-----Original Message-----

From: Tony Perkins [mailto:tperkins@pdc.wa.gov]
Sent: Wed 10/20/2004 8:33 AM
To: Carrie Nyssen
Cc:
Subject: PDC investigation of complaint filed against the WA BREATHE Alliance

Dear Carrie,

During an investigation of a complaint filed against the Washington BREATHE Alliance, PDC staff received correspondence from Anthony Peterson, Chief Financial Officer of the American Lung Association of Washington, concerning a meeting of the BREATHE Alliance held on September 11, 2003 at the Doubletree Inn in SeaTac. In his letter, Mr. Peterson stated that you represented the ALAW at that meeting as a BREATHE grant employee, and that you later indicated to him that there ~~was~~ significant call to action information shared~~at~~ at the meeting. As a result, Mr. Peterson filed reports with the PDC, disclosing expenses incurred by the ALAW for this meeting as part of a grass roots lobbying campaign.

To assist our agency in its investigation, please reply to this email and describe the activity which Mr. Peterson felt constituted ~~a~~ significant call to action information.~~What is your concept of a~~ call to action? Were participants of the September 11, 2003 BREATHE meetings at the Doubletree Inn encouraged to contact legislators, and if so, was this contact intended to address specific legislative matters? What proportion of the day's meetings was devoted to discussion of grassroots lobbying of the legislature? What person or persons led this discussion?

Any and all details you could provide with respect to the above questions would be greatly appreciated. Please don't hesitate to call me at the number below if you have any questions. Thanks in advance for your help.

Sincerely,

Tony Perkins

Political Finance Specialist, PDC

(360) 586-1042

Tony Perkins

From: Kevin.Knox@cancer.org
Sent: Monday, October 25, 2004 1:11 PM
To: Tony Perkins
Subject: RE: Investigation in PDC Case #04-446, WA BREATHE Alliance

Tony,

As I recall of the days events the majority of the role play discussion and actual role play exercises were centered around the issue of developing networks and coalitions. Part of the role play did focus on how to address elected officials, however I believe that was actually on the topic of addressing local elected officials like city councils and local boards of health. A great deal of the information discussed was also centered around the health concerns around secondhand smoke and those impacts on workers and the public.

The coalition building and network development included a role play to address a hospital association to inform them of the health concerns related to secondhand smoke, workers and the public. The intended outcome of that discussion was to help local advocates to grow their own networks most effectively. The majority of the role play materials and content was used from "Organizing for Social Change, MidWest Academy Manual for Activists, 3rd Ed.", by Bobo, Kendall and Max.

As for the discussions about contacting legislators on the specific clean indoor air legislation that was introduced in the previous session I don't remember it being a specific topic. Rep McDermott and Sen McAluiffe mentioned that they were the sponsors of the legislation and why they felt it was necessary. As well Nick Federici, in presenting an update to the group on tobacco specific legislation currently out there, likely discussed where the bills were at the time and how they might move forward in the upcoming session. Although to my recollection, the afternoon facilitator did not directly address contacting state legislators about either the House or Senate Legislation or Legislators.

I hope this addresses your questions. Please let me know if I can be of further assistance.

Kevin Knox
Project Director
Washington BREATHE Alliance

American Cancer Society, Great West Division, Inc 2120 1st Ave N, Seattle, WA 98109 v
206.674.4184, f 206-285-3469 kevin.knox@cancer.org

"Tony Perkins"
<tp Perkins@pdc.wa.gov
>

To: <Kevin.Knox@cancer.org>
cc:
Subject: RE: Investigation in PDC Case #

04-446, WA BREATHE

10/20/2004 09:57 AM

Alliance

Tony Perkins

From: Lee Tanuvasa [Lee@wapifasa.org]
Sent: Friday, July 23, 2004 2:52 PM
To: Tony Perkins
Cc: 'Anita Hidalgo'
Subject: RE: PDC Investigation of the WA BREATHE Alliance

Hi Mr. Perkins,

Thank you for your patience. Here are my responses to the questions below in regards to WAPIFASA's BREATHE activities. Please feel free to contact me if you have any questions.

Thank you and have a great weekend!

Lee Tanuvasa
Tobacco Control/Prevention Specialist
WAPIFASA
606 Maynard Ave. S, Suite 106
Seattle, WA 98104
(206) 223-9578

-----Original Message-----

From: Tony Perkins [mailto:tperkins@pdc.wa.gov]
Sent: Thursday, July 15, 2004 1:32 PM
To: lee@wapifasa.org
Subject: PDC Investigation of the WA BREATHE Alliance

Dear Mr. Tanuvasa,

This email is a follow-up to the voice message I left for you a moment ago. The Public Disclosure Commission is currently investigating a complaint filed against the Washington BREATHE Alliance.

Through interviews conducted with the field staff of the American Cancer Society, Great West Division, I have learned that Washington Asian Pacific Islander Families Against Substance Abuse is a member of the BREATHE Alliance, and that you represented WAPIFASA within the Alliance.

The PDC's impression at the start of this investigation was that the disclosure requirement of the BREATHE Alliance for its reportable lobbying activity would be fulfilled by the Alliance's centralized organizational staff. We have since learned that the Alliance is less a distinct entity than an umbrella organization for separate groups, each of which conducts its own activity to encourage smoking cessation and reduce smoke in public places. Though some of the direct and grassroots lobbying activity in question was coordinated by the member organizations, much appears to have been conducted separately. As a part of this investigation, PDC staff is trying to determine what activity was reportable by each of the member organizations of the BREATHE Alliance, and to get this activity disclosed.

To this end, please reply to this email and address the following questions:

1. In an interview with Kevin Knox, project director for the BREATHE Alliance and staff member of the American Cancer Society, PDC staff learned that you had direct contact with members of the legislature in connection with legislation considered during the 2004 session, proposing a ban on smoking in public places. Is this correct? Please describe this contact, and state the number of separate days on which the contact occurred. Did you make any entertainment expenditures in connection with these meetings with legislators? If so, please provide details. As a paid staff member of WAPIFASA, were you compensated for your time at these meetings? Is it your understanding that this contact did or did not constitute lobbying reportable to the PDC? Please

9/15/2004

EXHIBIT

1 of 2

24

explain.

Answer: All of my contacts with Legislators were educational in nature, explaining impacts of secondhand smoke. I did not make any entertainment expenditures in connection with these contacts. It is my understanding educational contacts are not considered lobbying. During the last week of 2004 session, the BREATHE office emailed out an action alert to all the grassroots field staff to contact legislators who were discussing the Clean Indoor Air bill. I forwarded the email to individuals on my contact list, and I also wrote an email to the Legislators requesting an explanation of where they stood on the Clean Indoor Air bill.

2. Did WAPIFASA make expenditures for the television advertisements, coordinated by the BREATHE Alliance, that contained a call to action (i.e. "call your legislator") regarding the proposed statewide ban on smoking in public places? If so, to whom did WAPIFASA make these expenditures—i.e., to the American Cancer Society or to another entity? Please provide details of these payments, if any were made, including date and amount. Did WAPIFASA make any other expenditures for a call to action regarding the proposed ban? If so, please provide all details of these payments: to whom payments were made, date, amount, purpose, etc. Please also state your understanding of whether this activity was or was not reportable to the PDC as grassroots lobbying.

Answer: WAPIFASA did not make any expenditures to any entity for call to action television advertisements.

3. In connection with this investigation, PDC staff has received materials from a grant application submitted to the Robert Wood Johnston Foundation by the American Cancer Society, on behalf of the BREATHE Alliance. In a segment designed to illustrate that the applicant would not use the foundation's grant funds for direct or grassroots lobbying, it was stated that the member organization of the BREATHE Alliance had committed their own funds for use in lobbying against smoking in public places. The committed contribution of WAPIFASA was stated as \$5,000. Please confirm the intended use of this \$5,000, the amount eventually spent, and the nature of the expenditures. Please provide as much detail as possible.

Answer: WAPIFASA did not spend any of the \$5,000. The money was used to pay 10% of my salary.

Based on your responses to these questions, I will advise you on how to fulfill the reporting requirement, if any, which you or your organization have incurred. If the questions or concepts outlined above require any clarification, please feel free to contact me at the number below. Thanks in advance for your help with the PDC's investigation.

Sincerely,

Tony Perkins

Political Finance Specialist, PDC
(360) 586-1042

EXHIBIT 24
2 of 2

Tony Perkins

From: Lee Tanuvasa [Lee@wapifasa.org]
Sent: Wednesday, August 04, 2004 10:23 AM
To: Tony Perkins
Subject: RE: PDC Investigation of the WA BREATHE Alliance

Hi Tony,

Sorry for the delay. I was out of town last week and just getting caught up with emails. Hope this answer your questions.

Thanks,

Lee

-----Original Message-----

From: Tony Perkins [mailto:tperkins@pdc.wa.gov]
Sent: Friday, July 23, 2004 2:10 PM
To: Lee Tanuvasa
Subject: RE: PDC Investigation of the WA BREATHE Alliance

Dear Lee,

Thanks very much for your response. I have a couple of clarifying questions:

1. Was your contact with legislators limited to the email you referenced in your response? If not, did you make telephone calls to legislators, write letters to legislators, or attend any private meetings with legislators or their staff members? On how many separate days did your contact with legislators, including the email you referenced, occur? (If you could be specific about dates, that would be helpful.)

Answer: On January 13, 2004, I met with the staff from Rep. Santos office at the Cross Cultural Policy Forum in Olympia. At that meeting, I asked the staff of where Rep. Santos stand on the issue of secondhand smoke. On January 20 & 27, 2004, I attended Sen. Franklin's town hall meetings in Tacoma but did not meet with her individually. The other visits to Olympia were to attend hearings and BREATHE Field Staff meetings.

2. Did WAPIFASA make any expenditures for a call to action other than the television advertisements sponsored by the BREATHE Alliance? (For example, postage, printing, radio ads, Web design expenses.)

Answer: WAPIFASA did not make any expenditures for a call to action.

Thanks for your help with this. I'll be out of the office from 3:30 this afternoon until next Tuesday morning, but if you have any clarifying questions, just reply to this email and I'd be happy to chat with you then.

Sincerely,

Tony Perkins

Political Finance Specialist, PDC
(360) 586-1042

From: Lee Tanuvasa [mailto:Lee@wapifasa.org]
Sent: Friday, July 23, 2004 1:52 PM
To: Tony Perkins

EXHIBIT

1 of 1

25

9/15/2004

105 14th Avenue., Suite 2C
Seattle, WA 98122
(206) 461-6910
Fax (206) 461-4890

**Center for
MultiCultural Health**

Fax

RECEIVED

JUL 29 2004

Public Disclosure Commission

To: TONY PERKINS From: BRANDIE FLOOD
Fax: 360-753-1112 Pages: 3
Phone: Date: 7/28/2004
Re:

☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

MR. PERKINS THE EMAIL MESSAGE IN THE FAX IS FROM OUR LISTSERVE. I SENT THE MESSAGE UNDER PLEASE SAVE THE DATE TO LEGISLATOR'S WHO REPRESENT DIVERSE DISTRICTS. I COULD NOT LOCATE THE ORIGINAL MESSAGE WITH MY NAME LISTED ON THE TOP OF THE EMAIL MESSAGE. IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT 206-461-6910 EXT.209.

THANK YOU,

BRANDIE FLOOD

EXHIBIT ²⁶

1 of 3

MSN Home | My MSN | Hotmail | Shopping | Money | People & Chat

Sign Out

Web Search: Go



Hotmail

Today

Mail

Calendar

Contacts

janetoliver@hotmail.com

Free Newsletters | M

Reply | Reply All | Forward | Delete | Block | Junk | Put In Folder | Print View | Save Address

From : Prince, Edward (CAA) <eprince@caa.wa.gov>

Sent : Monday, December 22, 2003 10:07 PM

Subject : [Events Calendar] FW: Building Partnerships for Our Communities' Health: A Policy Forum for Tobacco Prevention & Control

Inbox

FYI

Edward O. Prince
Acting Executive Director
WA State

Comm. on African American Affairs

ph: 360-753-0127

fax: 360-753-0199

eprince@caa.wa.gov

www.caa.wa.gov

If you would like to be added to the Commission's listserv please e-mail the Commission at: yourcaa@caa.wa.gov and in the subject line type add to listserv.

Please SAVE THE DATE:

Building Partnerships for Our Communities' Health: A Policy Forum for Tobacco Prevention & Control

Tuesday, January 13, 2004 from 11:30 a.m. - 12:30 p.m.

St. John's Episcopal Church
114 20th Avenue Southeast
Olympia, WA 98501
(Four blocks from Campus)

The forum is sponsored by the Center for MultiCultural Health, Seattle Indian Health Board, Verbena, Washington Asian Pacific Islander Families Against Substance Abuse, the Washington Association of Community and Migrant Health Centers, and Washington Backers of Responsible Education About Tobacco's Harmful Effects.

More information will be distributed before 12/24/03.

If you have any questions or want to RSVP ahead of time please contact, Brandie Flood at 206-461-6910 ext. 209 or via email brandie.flood@cschc.org.

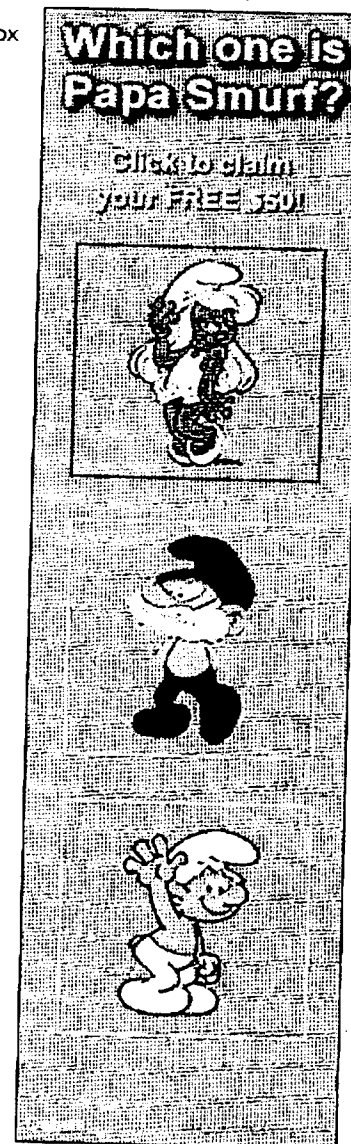


EXHIBIT 26

2 of 3

http://by1fd.bay1.hotmail.msn.com/cgi-bin/getmsg?msg=MSG1072317334.18&mfs=&... 12/29/2003



Center for
MultiCultural
Health

January 23, 2004

Representative Helen Sommers
P.O. Box 40600
204 John L. O'Brien
Olympia, WA 98504-0600

Dear Senator Sommers,

On behalf of Communities Against Tobacco, thank you very much for requesting the enclosed packet from our "Building Partnerships for Our Communities' Health" policy forum on January 13.

Communities Against Tobacco is a coalition of organizations that work in partnership with diverse communities on tobacco prevention and control issues in Washington State. The coalition includes the Center for MultiCultural Health, Seattle Indian Health Board, Verbena, Washington Asian Pacific Islander Families Against Substance Abuse, and Washington Association of Community and Migrant Health Centers and grew out of our organizations' work with the Washington State Department of Health, Tobacco Prevention and Control Program, and the Cross Cultural Workgroup on Tobacco.

We support efforts to eliminate secondhand smoke in indoor public places through advocacy and education and to ensure that Washington State continues to use tobacco settlement dollars to support tobacco prevention and control initiatives that have contributed to the following successes:

- The number of adult smokers in Washington has declined 8 percent since 1999.
- There are about 55,000 fewer Washington kids smoking than before the launch of the program.
- An estimated \$990 million in future tobacco-related health care costs has already been saved, including \$134 million that state taxpayers would have spent in Medicaid and state health care program payments.

We will be making legislative visits during the session to discuss ways that legislators and community-based organizations can work together to further these successes in Washington State and look forward to having an opportunity to meet with you.

Again, thank you for requesting the enclosed packet and for your interest in tobacco prevention and control. If you have any questions, please contact me at 206/461-6910, ext. 209 or via e-mail at brandie.flood@cschc.org.

Sincerely,

Brandie Flood
Community Organizer

enclosure

EXHIBIT ²⁶
2 of 3

Tony Perkins

From: Shelley Cooper-Ashford [shelleyc@cschc.org]
Sent: Tuesday, September 07, 2004 11:00 PM
To: Tony Perkins
Subject: FW: Questions in PDC Case #04-446, Washington BREATHE Alliance

Tony, I'm sorry that this has taken me so long. I've continued to have personal emergencies that have kept me out of the office. Because I'm out of the office there are somethings I can give you exact answers to. If you need more detail please let me know. I will be out of town and out of the office until 9/13 but I will infrequently check e-mail.

Shelley Cooper-Ashford
 Center for MultiCultural Health
 105 14th Avenue Suite 2C
 Seattle, WA 98122

-----Original Message-----

-----Original Message-----

From: Tony Perkins [mailto:tperkins@pdc.wa.gov]
Sent: Wednesday, August 25, 2004 9:00 AM
To: shelleyc@cschc.org
Subject: Questions in PDC Case #04-446, Washington BREATHE Alliance

Dear Ms. Cooper-Ashford,

Thank you for speaking with me yesterday afternoon. As we discussed, this email contains revised questions related to the PDC's investigation of a complaint filed against the Washington BREATHE Alliance.

To assist in the PDC's investigation, please reply to this email and provide answers to the following questions:

1. During an informal interview with Brandie Flood on July 28, 2004, PDC staff learned that she had direct contact with members of the legislature prior to and during the 2004 session. Brandie stated that the contacts were as follows:
 - October 28, 2003 meeting with Rep. Eric Pettigrew at Jackson street Starbuck's in Seattle
 - A late-December 2003 email to legislators inviting them to a January 13, 2004 policy forum at St. John's Episcopal Church in Olympia
 - January 13, 2004 meetings with Reps. Dennis Flannigan and Mark Miloscia at St. John's Episcopal Church in Olympia, on the day of the policy forum
 - January 22, 2004 meeting with Rep. Toby Nixon in legislative offices in Olympia
 - January 23, 2004 letter to legislators, related to the January 13, 2004 policy forum
 - February 9, 2004 meeting with Rep. David Simpson in legislative offices in Olympia

Please confirm whether the above listing is accurate. If any other instances of direct contact with legislators or legislative staff occurred in the period prior to and during the 2004 legislative session, and are not included on the above listing, please provide details

9/15/2004

EXHIBIT 22
 1 of 9

of these contacts.

Brandie Flood attended a policy forum organized by the Center for MultiCultural Health (CMCH) and four other community based non-profit organizations. In attendance was staff from Senator Kohl-Welles, Representative Sharon Tomiko-Santos, and Senator Regala offices.

2. Brandie Flood stated that her contacts with legislators concerned continued state funding (through tobacco settlement funds) for community health groups who contract through the State Department of Health. She stated further that her contacts did not concern bills considered during the 2004 session to ban smoking in indoor public places (House Bill 1868, Senate Bill 5791). Are these statements accurate? If Brandie's contacts concerned legislative matters other than continued funding for community health groups, please provide details of these matters. Brandie would have also explained our participation in the Wa Breathe Coalition and the role in which we saw CMCH providing as a member of the coalition. Explaining that we would be involved in a grassroots campaign to educate diverse communities of the dangers of second hand smoke in an effort to gain community support in banning smoking in indoor public places without the mention of specific bills.
3. Brandie Flood stated that neither she nor CMCH made any entertainment expenditures in connection with meetings with legislators or legislative staff. Is this accurate? If not, please provide details of any entertainment expenditures. CMCH nor Brandie Flood made no entertainment expenditures in connection with meetings with legislators or legislative staff.
4. As a staff member of CMCH, was Brandie Flood compensated for her time at meetings with legislators or legislative staff? Yes, Brandie was compensated by CMCH for the time she spent with legislators and legislative staff.
5. Did CMCH make any payments related to direct contact with legislators or legislative staff other than those described above? If so, please provide details of these payments. CMCH did not make any payments related to direct contact with legislators or legislative staff.
6. Is it your understanding that the contacts described above did or did not constitute direct lobbying that was reportable to the PDC? Please explain. CMCH did not view the activity as lobbying, but community education and advocacy.
7. Did CMCH make monetary expenditures for television advertisements, coordinated by the BREATHE Alliance, that contained a call to action (i.e. "call your legislator") regarding the proposed legislative statewide ban on smoking in public places? CMCH made no monetary expenditures for television advertisements.
8. Did CMCH make any other monetary expenditures for a call to action regarding the proposed legislative ban on smoking in public places? If so, please provide all details of these payments: to whom payments were made, date, amount, purpose, etc. CMCH made no monetary expenditures for a call to action regarding the proposed legislation.
9. Did CMCH make any in-kind expenditures, in the form of staff time, relating to a program which contained a call to action? If so, please provide all details of the staff time provided, including dates, value of services, and the organizations benefited. As the Executive Director for CMCH I attended BREATHE meetings, attended the Minority Executive Director's legislative day, Health Justice Network meeting, met with City Councilman Richard McGiver, King County Council Larry Gossett, and Representative Eric Pettigrew. My meetings (except specific Breathe meetings) weren't specific to BREATHE but a combination of number of items of interest to CMCH and the clients and populations we represent. Topics would range from interpreter services, citizenship, tobacco prevention and control, second hand smoke, health disparities. I would put the in-kind expenditure for specific BREATHE activities to be around \$720 hrs (20 hrs of time). Unfortunately, I'm out of my office and can't give you specific dates at this time.
10. Did Brandie Flood or other CMCH staff members have any role in coordinating, publicizing,

EXHIBIT 27

2 of 4

or staffing a September 11, 2003 WA BREATHE Alliance meeting at the Double Tree Inn in SeaTac? If so, please provide all details of the staff time provided, including dates, value of services, and the organizations with which Brandie or other CMCH staff worked on this event. Brandie provided staffing support for the 9/11/2003 event which included, compiling the RSVP list from an email that was sent out by BREATHE. She advised BREATHE staff of the total number of people who RSVP. These activities were conducted in the two weeks before the event and took about 2 hours of her time. On the day of the event she greeted guests and attended the event which took about 2 additional hours.

11. Is it your understanding that the activity described in 7 - 10 above did or did not constitute grassroots lobbying that was reportable to the PDC? Please explain. CMCH did not view the activity as lobbying, but community education and advocacy.
12. In our telephone conversation of yesterday afternoon, you stated that CMCH received a grant from the American Cancer Society, and in return was required to devote a certain amount of staff time. Please describe the nature of this arrangement, including the amount of the grant and the date it was received, state the dollar value of the CMCH staff time which was rendered, and describe the activities undertaken by CMCH staff as part of this arrangement. CMCH contract lasted from February of 2003 through May of 2004. The amount of the contract was approximately \$70,000 and paid for 90% of Brandie Flood's time the other 10% of her time was covered by CMCH. Total salary for this time period was \$58,333. Her title was Community Organizer and beyond the activities listed above she provided community education and outreach around second hand smoke, tobacco prevention and control, at a variety of community events, including community festivals, health fairs, schools and churches. She represented the organization on the King County Tobacco Coalition.

In our conversation, you stated that you would likely respond to my questions by this Friday, August 27, 2004. If you will not be able to respond by this time, please just drop me an email to let me know when I can look for a response.

Thanks very much for your help with the PDC's investigation.

Sincerely,

Tony Perkins

Political Finance Specialist, PDC
(360) 586-1042

EXHIBIT ³⁷
3 of 9

Tony Perkins

Sent: Wednesday, September 08, 2004 6:08 PM
To: Tony Perkins
Subject: Re: RE: Questions in PDC Case #04-446, Washington BREATHE Alliance

Tony, the date and place below is correct. It was held 1/13 in Olympia.

----- Original Message -----

From: Tony Perkins
Sent: 9/8/2004 8:34:25 AM
To: shelleyc@cschc.org
Subject: RE: Questions in PDC Case #04-446, Washington BREATHE Alliance

Dear Ms. Cooper Ashford,

Thanks very much for your response. I need clarification on only one point.

In your response, you stated, "Brandie Flood attended a policy forum organized by the Center for MultiCultural Health (CMCH) and four other community based non-profit organizations. In attendance was staff from Senator Kohl-Welles, Representative Sharon Tomiko-Santos, and Senator Regala offices."

Was this policy forum the one held on January 13, 2004 at St. John's Episcopal Church in Olympia ? If not, please state the date and location of the policy forum to which you were referring.

Thanks very much for your continued assistance with the PDC's investigation.

Sincerely,

Tony Perkins

Political Finance Specialist, PDC

(360) 586-1042

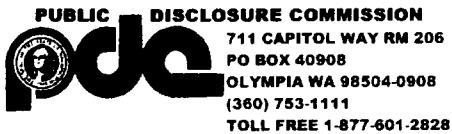
From: Shelley Cooper-Ashford [mailto:shelleyc@cschc.org]
Sent: Tuesday, September 07, 2004 11:00 PM
To: Tony Perkins
Subject: FW: Questions in PDC Case #04-446, Washington BREATHE Alliance

Tony, I'm sorry that this has taken me so long. I've continued to have personal emergencies that have kept me out of the office. Because I'm out of the office there are somethings I can give you exact answers to. If you need more detail please let me know. I will be out of town and out of the office until 9/13 but I will infrequently check e-mail.

Shelley Cooper-Ashford
Center for MultiCultural Health
105 14th Avenue Suite 2C

EXHIBIT 27
7 of 9

9/15/2004



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4
(3.97)

PDC OFFICE USE

Candidate or Committee Name (Do not abbreviate. Include full name)

BREATHE EASY WASHINGTON

09/23/2004

Mailing Address

PO BOX 11324

City

TACOMA

Zip + 4
98411

Office Sought (Candidates)

2004

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate?

Report Period Covered	From (last C-4)	To (end of period)	Final Report?
	09/01/2004	09/30/2004	Yes No X

RECEIPTS

*See next page

Yes No X

1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)	\$	142,606.95
2. Cash received (From line 2, Schedule A)	\$	0.42
3. In kind contributions received (From line 1, Schedule B)		5,009.13
4. Total cash and in kind contributions received this period (Line 2 plus 3)		5,009.55
5. Loan principal repayments made (From line 2, Schedule L)	(0.00)
6. Corrections (From line 1 or 3, Schedule C) Show + or (-)	+	0.00
7. Net adjustments this period (Combine line 5 & 6) Show + or (-)	+	0.00
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)		147,616.50
9. Total pledge payments due (From line 2, Schedule B)		0.00

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)		140,655.78
11. Total cash expenditures (From line 4, Schedule A)		535.69
12. In kind expenditures (goods & services) (From line 1, Schedule B)		5,009.13
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)		5,544.82
14. Loan principal repayments made (From line 2, Schedule L)	(0.00)
15. Corrections (From line 2 or 3, Schedule C) Show + or (-)	+	0.00
16. Net adjustments this period (Combine lines 14 & 15) Show + or (-)	+	0.00
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)		146,200.60

CANDIDATES ONLY

Name not on ballot

	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Treasurer's Daytime Telephone No.:

(253) 572-3666

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17) [Line 18 should equal your bank account balance(s) plus your petty cash balance.]		1,415.90
19. Liabilities: (Sum of loans and debts owed)	(0.00)
20. Balance (Surplus or deficit) (Line 18 minus line 19)		1,415.90

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature

Date

Treasurer's Signature

ASHER SUE

Date

EXHIBIT ²⁸
of 2

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

**SCHEDULE
TO C4**

B

(11/93)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

BREATHE EASY WASHINGTON

09/23/2004

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

[illegible]

TOTAL

(Enter also on line 3 and line 12 of C4)

5,009.13

EXHIBIT 23

2 of 2



PUBLIC DISCLOSURE COMMISSION
 711 CAPITOL WAY RM 206
 PO BOX 40908
 OLYMPIA WA 98504-0908
 (360) 753-1111
 TOLL FREE 1-877-601-2828

SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4

(3/97)

PDC OFFICE USE

Candidate or Committee Name (Do not abbreviate. Include full name)

BREATHE EASY WASHINGTON

10/12/2004

Mailing Address

PO BOX 11324

City

TACOMA

Zip + 4
98411

Office Sought (Candidates)

2004

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution supporting or opposing a state or local candidate)?

Report Period From (last C-4) To (end of period) Final Report?
 Covered 10/01/2004 10/31/2004 Yes No X

RECEIPTS

*See next page

Yes No X

1. Previous total cash and in kind contributions (From line 8, last C-4)
 (if beginning a new campaign or calendar year, see instruction booklet) \$ 147,616.50

2. Cash received (From line 2, Schedule A) \$ 0.00

3. In kind contributions received (From line 1, Schedule B) 1,760.00

4. Total cash and in kind contributions received this period (Line 2 plus 3) 1,760.00

5. Loan principal repayments made (From line 2, Schedule L) (0.00)

6. Corrections (From line 1 or 3, Schedule C) Show + or (-) + 0.00

7. Net adjustments this period (Combine line 5 & 6) Show + or (-) + 0.00

8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7) 149,376.50

9. Total pledge payments due (From line 2, Schedule B) 0.00

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4)
 (if beginning a new campaign or calendar year, see instruction booklet) 146,200.60

11. Total cash expenditures (From line 4, Schedule A) 0.00

12. In kind expenditures (goods & services) (From line 1, Schedule B) 1,760.00

13. Total cash and in kind expenditures made this period (Line 11 plus line 12) 1,760.00

14. Loan principal repayments made (From line 2, Schedule L) (0.00)

15. Corrections (From line 2 or 3, Schedule C) Show + or (-) + 0.00

16. Net adjustments this period (Combine lines 14 & 15) Show + or (-) + 0.00

17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16) 147,960.60

CANDIDATES ONLY

Won Lost Unopposed Name not on ballot

Primary election ☐ ☐ ☐ ☐
 General election ☐ ☐ ☐ ☐

Treasurer's Daytime Telephone No.:

(253) 572-3666

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17) 1,415.90

[Line 18 should equal your bank account balance(s) plus your petty cash balance.]

19. Liabilities: (Sum of loans and debts owed) (0.00)

20. Balance (Surplus or deficit) (Line 18 minus line 19) 1,415.90

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature

Date

Treasurer's Signature

ASHER SUE

Date

EXHIBIT 29
 of 2

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

**SCHEDULE
TO C4**

B

(11/93)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

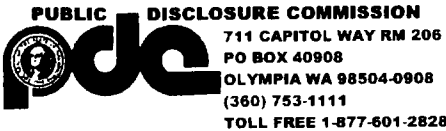
BREATHE EASY WASHINGTON

10/12/2004

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

[illegible]

EXHIBIT 29
2 of 2



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURES

C4 (3/97)	PDC OFFICE USE
	AMENDMENT

Candidate or Committee Name (Do not abbreviate. Include full name)

BREATHE EASY WASHINGTON

10/18/2004

Mailing Address

PO BOX 11324

City

TACOMA

Zip + 4
98411

Office Sought (Candidates)

2004

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an independent expenditure (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate?

Report Period Covered	From (last C-4)	To (end of period)	Final Report?
	10/01/2004	10/31/2004	Yes No X

RECEIPTS

*See next page

Yes No X

1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)		\$	147,616.50
2. Cash received (From line 2, Schedule A)	\$	0.00	
3. In kind contributions received (From line 1, Schedule B)		3,520.00	
4. Total cash and in kind contributions received this period (Line 2 plus 3)		3,520.00	
5. Loan principal repayments made (From line 2, Schedule L)	(0.00)
6. Corrections (From line 1 or 3, Schedule C) Show + or (-)	+	0.00	
7. Net adjustments this period (Combine line 5 & 6) Show + or (-)	+	0.00	
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)		151,136.50	
9. Total pledge payments due (From line 2, Schedule B)		0.00	

EXPENDITURES

10. Previous total cash and in kind expenditures (From line 17, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)		146,200.60
11. Total cash expenditures (From line 4, Schedule A)		0.00
12. In kind expenditures (goods & services) (From line 1, Schedule B)		3,520.00
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)		3,520.00
14. Loan principal repayments made (From line 2, Schedule L)	(0.00
15. Corrections (From line 2 or 3, Schedule C) Show + or (-)	+	0.00
16. Net adjustments this period (Combine lines 14 & 15) Show + or (-)	+	0.00
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)		149,720.60

CANDIDATES ONLY

	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Treasurer's Daytime Telephone No.:

(253) 572-3666

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17) [Line 18 should equal your bank account balance(s) plus your petty cash balance.]		1,415.90
19. Liabilities: (Sum of loans and debts owed)	(0.00
20. Balance (Surplus or deficit) (Line 18 minus line 19)		1,415.90

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature

Date

Treasurer's Signature

Date

ASHER SUE

EXHIBIT 30
1 of 2

Tony Perkins

From: Cristi Petersen [cristi@pcmswa.org]
Sent: Thursday, October 07, 2004 1:15 PM
To: Tony Perkins
Subject: Answer's to your question on In-Kind Contributions



Procedure In-Kind
Contrib for ...

Attached you will find the answer's I hope that you are looking for.

Submitted for I-890 BreatheEasy Washington
Sue Asher

EXHIBIT 3 /
1 of 2

I-890 BreatheEasy Washington Campaign

1. Why were the services of paid signature gatherers and other in-kind contributions provided by the American Lung Association of Washington, the American Cancer Society, and the American Heart Association, not timely reported by the I-890 Breathe Easy campaign?

Answer: The campaign had no knowledge of the in-kind contributions until notified by PDC. BreatheEasy campaign gave these organizations petitions however we had no knowledge that by giving them petitions we would be charged an in-kind contribution and what the amount of that in-kind contribution would be.

2. The report submitted to the PDC by the American Lung Association indicates that their contact person at the Breathe Easy Washington campaign was Patty Carlson, the sponsor of I-890; the reports filed by the American Cancer Society and the American Heart Association indicate that the organizations' contact person at your campaign was Scott Peterson. What is Scott Peterson's position within the Breathe Easy Washington campaign? Did either Mr. Peterson or Ms. Carlson communicate to you information concerning the in-kind contributions made by the American Lung Association, the American Cancer Society and the American Heart Association, for the purposes of reporting this information to the PDC? Did these individuals normally give you information concerning contributions received by the campaign?

Answer: Patty Carlson is the sponsor and Scott Peterson was the consultant for the I-890 campaign. Neither of them were notified of any in-kind contribution were coming from any of these associations.

They would notify us when a payment or in-kind contribution was coming in and by whom. That way we were aware of it and could notify them if it didn't come in.

3. What is the normal process by which you receive information on in-kind contributions (particularly the services of paid signature gatherers) received by the I-890 committee? Was that process followed in the case of the in-kind contributions from the American Lung Association of Washington, the American Cancer Society, and the American Heart Association? Why or why not?

Answer: The committee required that all in-kind contributions be in writing. We would be notified by Scott Peterson if we were expecting to receive notification documenting the in-kind contribution so we would make sure to post it within the 7 days which is required by PDC.

No written notification came in by these associations and no verbal messages were received by Patty Carlson or Scott Peterson as well. Scott Peterson will be more than happy to discuss this with you at any time his cell number is (253) 678-2424.

4. Other than the as-yet unreported in-kind contribution from the American Heart Association, have all monetary and in-kind contributions to the I-890 campaign been disclosed in your committee's PDC filings?

Yes, to the best of our knowledge. We have not been notified verbally or written by any other companies or organization that any in-kind contributions were coming.